

BEAUFORT COUNTY PERSONNEL POLICY MANUAL



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PERSONNEL POLICY
BEAUFORT COUNTY, NORTH CAROLINA
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BEAUFORT COUNTY SAFETY POLICY STATEMENT

Welcome to employment with Beaufort County. The safety and welfare of all Beaufort County employees and the public we serve are priorities for the Board of County Commissioners. Beaufort County strives to maintain a “safety culture” to reduce accident and injury rates. Our goal is to ensure that all employees perform their job duties in a safe and responsible manner. Safety on the job is considered a part of the job performance for all employees. We should be alert to our surroundings and to our co-workers at all times. Incidents and unsafe acts are to be reported immediately to supervisors. Together, there is much we can all do to reduce and even eliminate accidents which can take an enormous personal and financial toll on everyone.

Thank you,

A handwritten signature in blue ink, appearing to read "Brian Alligood".

Brian Alligood

Beaufort County Manager

ARTICLE I

ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this personnel policy is to establish a human resources system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an efficient and responsible work force and provide the means for removal of unsatisfactory employees. This personnel policy is established under the authority of Chapter 153A, Article 5 and, for those employees who are subject to the State Human Resources Act, Chapter 126 of the General Statutes of North Carolina. Applicable State requirements will supersede these policies for positions subject to the State Human Resources Act whenever there is a conflict.

The County Personnel Policies Manual contains standards relevant to employment with Beaufort County. Employees are required to read and become familiar with and adhere to the contents of this Personnel Policies Manual. All employees are expected to remain informed and compliant with current County policies and procedures. An employee's failure to remain knowledgeable of and compliant with County policies and procedures may lead to disciplinary action, up to and including termination of his/her employment. Accordingly, employees should refer to the Manual as frequently as needed to remain compliant with the content as stated. An employee's need for further clarification or information about the standards should be addressed by consulting with the employee's Supervisor, Department Head or the County Human Resources Director.

The policies and procedures in this Manual are designed to serve as guidelines for management action. They are not intended to create any contract or binding agreement between the County and any employee. Any individual may voluntarily leave employment upon proper notice or may be terminated by the employer. All policies and procedures outlined in this Manual are subject to change or modification at the County's discretion any time.

This Manual is provided for informational purposes only. No provision or portion of the manual constitutes an implied or expressed contract, guarantee or assurance of employment or any right to an employment related benefit or procedure. The Beaufort County Commissioners reserve the right to change, modify, eliminate or deviate from any policy or procedure in this manual at any time by appropriately implementing necessary revisions.

All policies shall be effective *July 1, 2019* and are not retroactive.

Section 2. Introduction

The governing body for Beaufort County is the Board of County Commissioners, which is comprised of seven members within the County. The Board of Commissioners holds regularly scheduled meetings, as well as special meetings, all of which are open to the public.

Section 3. Coverage

All employees in the County's service, including employees of the Sheriff's Office, Register of Deeds and Elections are subject to this personnel policy, except as provided in this section.

Elected officials, County Manager, County Attorney, members of advisory boards and special boards and commissions, consultants, volunteers, and contract employees are exempt from all provisions of this personnel policy, except as specifically designated.

The following employees are covered only by the specifically designated articles and sections:

- A. Employees governed by the North Carolina Human Resources Act, Public Health Department, Department of Social Services employees and employees in Emergency Management positions that are funded through federal grants shall be subject to all policies except Article II, The Position Classification Plan, Article III, Recruitment and Employment, Article VIII, Separation and Disciplinary Action, and Article IX, Grievance Policies.
- B. The Director of Elections shall be subject to policies as determined by the Board of Elections.
- C. Employees of the County Sheriff's Office, Elections and the Register of Deeds shall be subject to all policies except those policies directly related to hiring, supervising and discharging employees.
- D. Employees of the North Carolina Cooperative Extension Service who are employed with the County through the Cooperative Extension Agreement shall be subject only to county policies relative to office hours, office closings for inclement weather and holidays and for the management and use of county property.

Section 4. Merit Principles

All appointments and promotions shall be made solely on the basis of merit and qualifications. All positions requiring 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, marital status, citizenship status, disability, genetic information, veteran status, age or other legally protected status.

Due to the particular personnel and operational requirements of various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such regulations or procedures shall not, in any way conflict with the provisions of this Policy but shall be considered as a

supplement to this Policy. Supplemental rules and regulations must be approved by the County Manager. Policies pertaining to the administration of Beaufort County benefits may not be supplemented.

Section 5. Responsibility of Board of Commissioners

The Board of Commissioners shall adopt or provide for rules and regulations or administrative policies relating to personnel policies and other measures which promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 153A-94 of the North Carolina General Statutes and shall confirm appointments when so specified by law. The Board of Commissioners shall also establish the Classification and Pay Plan. The Board of Commissioners shall prescribe the office hours, workdays and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised or repealed through the same procedure. Revisions in personnel policy are also effective upon approval by the Board, unless otherwise designated.

Section 6. Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration of the County Personnel Program, including the Beaufort County Personnel Policies. The County Manager shall appoint, suspend and dismiss County officers and employees, except those who are elected by the citizens of Beaufort County or whose appointment is otherwise provided for by law or those specifically exempt. The County Manager shall be responsible for the above duties and other functions in accordance with Section 153A-82 of the General Statutes of the State of North Carolina and all other applicable state and federal law as well as other relevant portions of the Personnel Policy. The County Manager shall monitor all personnel administration practices of the County, initiate and recommend revisions of rules governing personnel administration to the Board of Commissioners and present and supervise the classification plan, pay plan and all other personnel records for County employees.

Section 7. Responsibility of the Human Resources Director

The County Manager may appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan and perform such other duties in connection with the County Personnel Program as the County Manager may require. The duties and responsibilities shall include the interpretation and implementation of personnel policies, pay plan, employee benefits, establishment and maintenance of records relating to County employees, development and administration of recruitment programs, development of effective personnel administrations within County departments, recommendations in regard to the establishment and/or modification of County personnel functions and the issuance and distribution of administrative directives, interpretations, policies and other personnel materials necessary for the proper functioning and maintenance of procedures in accordance with the

Beaufort County Personnel Policies. The Human Resources Director is responsible for the establishment and maintenance of personnel records for County employees in all departments, with the exception of disciplinary letters in the Department of Social Services and the Public Health Department and Sheriff's Office.

Section 8. Responsibility of Department Heads

Department Heads shall be responsible to the County Manager for recommendations and/or decisions for the appointment, suspension and removal of County employees assigned to their departments. The Department Heads shall be responsible to the County Manager for ensuring that all employees are thoroughly familiar with the provisions of the Beaufort County Personnel Policy. The Public Health Director, Social Services Director, Sheriff, Register of Deeds and Elections Director are accountable for the appointment, suspension and termination of employees in their respective departments.

Section 9. Responsibility of Employees

Each employee shall be provided a copy of the Personnel Policies at the time of employment and shall sign a statement verifying receipt and acknowledgment of understanding of the policies. Employees are responsible for familiarity with the contents of this manual, which is intended to help guide them toward job behavior reflecting credit upon the employees as well as Beaufort County. Employees are also responsible for following specific policies/procedures within each department as developed and implemented by the Department Head and approved by the County Manager.

Section 10. Definitions

Adverse Action. An involuntary demotion, an involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff or a dismissal.

Aggregate Service. Aggregate service for retirement purposes refers to the total length of service under which retirement contributions are paid into the State or Local Government Employees' Retirement System by the employee. If the employee terminates employment and withdraws contributions from the retirement system, credit will not be given credit for the withdrawn service.

Allocation. The assignment of a position to an appropriate salary range dependent upon the assigned duties and responsibilities of the position.

Anniversary Date. The employee's most recent date of employment with Beaufort County service in a permanent position.

Applicant. One who places himself or herself in competition for a posted position vacancy, during the posting period, by completing and applying for employment regardless of employment status.

Appointing Authority. Any County board or position with legal or delegated authority for making hiring decisions.

Appointment. The approved employment of an applicant or employee to perform the duties and responsibilities of an established position.

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

Classification Plan. A formal plan of structuring and ranking groups of classifications.

Complaint. A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application or lack of established policy pertaining to employment conditions. A complaint may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair supervisory or disciplinary practices, unreasonable work quotas or any other inequity relating to conditions of employment subject to the control of the County.

Cost-of-living Adjustment. An adjustment that is typically based on market value that may be made by the Board of County Commissioners to all pay ranges typically effective on July 1, the beginning of a new fiscal year.

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

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

Employees Subject to the State Human Resources Act. An employee of the Department of Social Services, the Public Health Department or the Office of Emergency Management receiving federal grant-in-aid funds and subject to the provisions of the State Human Resources Act, North Carolina General Statute 126.

Emergency Employee. An employee hired when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other

requirements for appointments will be waived. An emergency appointment may be made for a period of up to sixty workdays.

Exempt Employee. Full and part-time employees who have been classified as “Exempt” from the overtime provisions of the Fair Labor Standards Act who are paid for the accomplishment of assigned duties rather than being paid for the number of hours worked in a work period. These include executive, administrative and professional staff of the County.

Full-Time Employee. Permanent – An employee, appointed to a permanently established position, who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as regular full-time.

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

Grant Funded Positions. Positions, which are supported wholly or in part by financial grants or other non-county monies. Individuals occupying such positions are appointed for a specified period of time to perform particular services on behalf of the County. Employees may or may not be entitled to County benefits, depending on the provisions of the grant and other County policies.

Grievance. A document that may be submitted by an employee as a rebuttal to an adverse action which results in a demotion, suspension without pay, dismissal, reduction in pay, harassment, retaliation, alleged discrimination, and/or denial of equal employment opportunity.

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

Immediate Family. Spouse, parent, guardian, child, brother, sister, grandchild and grandparent, as corresponding half, step, in-law and adopted relationships that can be derived from those named. Also included in immediate family are those acting in loco parentis status who have day to day responsibility to care for and to financially support a child whom is under eighteen years of age or of eighteen years of age or older and incapable of self-care due to a mental or physical disability.

Longevity. An annual lump sum payment to permanent and career status employees who have completed five years of continuous employment with Beaufort County.

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

Merit Increase. An increase in salary above the standard job rate based upon the employee consistently performing the assigned duties in an above average to outstanding fashion.

Mid-Point Salary Rate. The median salary rate between the minimum and maximum assigned to a salary grade.

Minimum Salary Rate. The minimum salary authorized by the pay plan for an employee within a salary grade.

Non-Exempt Employee. Full-time and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked or given compensatory time off in accordance with the Fair Labor Standard Act guidelines. Beaufort County pays overtime in lieu of compensatory time off.

Part-Time Employee.

- A. Permanent Part-time Employee – An employee appointed to a permanently established position who is regularly scheduled to work less than the standard work period established by the County and is designated by the Board of County Commissioners as permanent part-time. A part-time employee whose duties require that he/she work at least 1000 hours a year shall receive the same benefits, on a pro-rata basis, as afforded a full-time, permanent employee. A part-time employee who does not work at least 1000 hours a year, is paid an hourly rate and is not eligible for benefits including participation in the Local Government Employees’ Retirement System.
- B. Temporary Part-time Employee – An employee appointed to a temporarily established position, who is regularly scheduled to work less than the standard work period established by the County. Employee may also work in a permanently established position for a specified temporary period not to exceed twelve months.

Pay Plan. A schedule of pay ranges systematized into sequential grades, which consists of multiple steps assigned to any given range.

Permanent Appointment. An employee in a permanently established position who has satisfactorily completed a probationary period and/or a trainee appointment.

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

Permanent Position. A position which has been approved by the Board of Commissioners, in which the duties and responsibilities are required to be fulfilled on a continuous and recurring basis, normally requiring full-time employment of an individual.

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

Position Classification Plan. A plan approved by the Board of County Commissioners that assigns classes and positions to the appropriate pay grade.

Probationary Employee. An individual appointed to a permanent position who has served less than the probationary period in the position.

Probationary Period. The required period of time an employee serves before obtaining permanent status when entering County service.

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

Range Revision. One or more salary grades are assigned different minimum and/or maximum salary ranges; or when a classification is assigned a new pay grade based upon labor market data.

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

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

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

Salary Grade. All positions which are sufficiently comparable to warrant one range of pay rates.

Salary Plan. A schedule of pay ranges for each class assigned to any given salary range.

Salary Plan Revision. The uniform raising and lowering of the salary ranges of grades within the pay plan typically based upon labor market trends.

Salary Range. The minimum, midpoint and maximum salary for a given classification.

Salary Schedule. A listing by grade of all the approved minimum, midpoint and maximum salary ranges authorized by the Board of County Commissioners for various position classifications within County government.

Shift Work. The scheduling of hours by rotating hours worked other than eight (8) hours per day, Monday through Friday.

Standard Work Periods. Designated work periods, other than the standard work week may be assigned for certain departments or groups of specialized classifications within the County, approved by County Manager and in compliance with Fair Labor Standard Act.

Standard Workweek. Employees assigned a seven-day work week, 40 hours per week, which typically begins on Sunday at 12:01 AM and ends on the following Saturday at 12:00 PM. The activities of a department may require another schedule, in which case, the County Manager may authorize deviation from the standard workweek.

Temporary Employee. An individual appointed to serve in a position (either permanent or temporary) for a period of time typically not to exceed twelve months, usually for a specific project or assignment. A temporary employee is not subject to participation in benefits programs and is typically paid on an hourly basis.

Temporary Position. A position in which the duties and responsibilities are required to be performed for a specific, short period of time, typically not to exceed twelve months, and which may or may not require attendance by a person for a standard workweek and/or work period. Temporary employees may not work 1,000 hours per year, or average 30 hours per week.

Trainee. An employee appointed to a position in any class for which the County Manager or the Office of State Human Resources has authorized a “trainee” appointment and who does not meet the minimum education and experience requirements for the classification. An individual may be appointed as a trainee if he/she possesses the acceptable training and experience for the trainee class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee shall be paid at a rate below the minimum of the regular class.

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

Work Against Appointment. When qualified applicants who meet education and experience requirements are unavailable, and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment allows the employee to gain the qualifications needed for the desired position through on-the-job experience. The appointee must meet the minimum education and experience requirements of the class to which initially appointed and shall be promoted to the full position classification at the time the minimum qualifications are met.

ARTICLE II

THE POSITION CLASSIFICATION PLAN

Section 1. Adoption

The Position Classification Plan, approved by the Board of County Commissioners annually during the budget approval process, is hereby adopted as the Official Position Classification plan for Beaufort County. The Position Classification Plan may only be revised or amended as set forth in Section 7.

Section 2. Purpose

The Position Classification Plan provides a complete inventory of all authorized permanent (part-time and full-time) positions in County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the personnel policy are to be classified according to the assigned duties, responsibilities, qualifications needed and other required factors. The position classification plan shall be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions. The classification plan is utilized as a guide in recruiting and examining applicants for employment, in determining promotional opportunities, determining salary ranges for various types of work and in developing departmental budgets.

Section 3. Allocation of Positions

The allocation of a position is its assignment to a class containing all positions that are sufficiently similar in duties and assignments to justify common treatment in selection, compensation, and other employment practices. The County Manager and/or the County Human Resources Director shall allocate each position covered by the classification plan to its appropriate classification. The classification plan shall consist of position classifications which are comparable in complexity and duties and require similar knowledge, skills, and abilities as well as education and experience requirements. Classifications are equitably compensated within the same range of pay under similar working conditions. Class titles are descriptive of the work of the class and written specifications for individual classifications are maintained. Proper documentation and justification of the class assignments are also developed with the proper utilization of specialized classification factors.

Section 4. Administration of the Position Classification Plan

The County Manager, or the Human Resources Director as designated by 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 and Human Resources Director the need for new positions and significant changes in the nature of duties, responsibilities or working conditions affecting the classification of an existing position.

Section 5. New Positions

Requests for new positions must be presented for review and recommendations for approval/disapproval to the Beaufort County Commissioners. The Human Resources Director will allocate the new position to the appropriate class within the existing position classification plan.

If the approved class of the new position is not in the current position classification plan, a request must be presented to the Board of County Commissioners to also amend the position classification plan to add the approved classification at an appropriate salary grade.

Section 6. Reallocation of Positions

When the County Manager, Department Head, or Human Resources Director identifies that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director shall submit the request for reallocation of the position to the County Manager for review and recommendation for approval or disapproval. If approved by the County Manager, the request must then be presented to Beaufort County Board Commissioners for final approval.

After Board approval, the reallocation shall be implemented by revising the existing class specification, reallocating the position to the appropriate class within the existing classification plan or recommending to the County Manager that the Board of County Commissioners amend the position classification plan to add the approved classification at an appropriate salary grade.

Section 7. Amendment of the Position Classification Plan

Classes of positions shall be added to and deleted from the position classification plan by the Board of County Commissioners based on the recommendation of the County Manager and the Human Resources Director. A revised Position and Classification Plan shall become the

Official Classification and Pay Plan for the county upon adoption by the Board of County Commissioners.

Section 8. Office of State Human Resources Positions

All positions within the Department of Social Services and the Public Health are exempt from this Article, The Position Classification Plan. Positions within those departments must be reviewed and approved by the Office of State Human Resources. However, Board approval is also required, as is the amendment of the classification plan when the approved classification is not in the current classification plan.

The Beaufort County Position and Classification Plan must also be submitted to Office of State Human Resources annually for compliance with Chapter 126 of the State Human Resources Act. The Human Resources Director prepares the salary plan package for submission and approval by OSHR.

Section 9. Position Management

The Human Resources Department is responsible for assigning position numbers and documenting position changes to ensure an accurate position count and history of all Beaufort County positions. All requests for changes in positions and newly established positions, reclassifications, reassignments, range revisions and abolished positions must be submitted to the Human Resources Department and reviewed by the Human Resources Director, approval by the County Manager and presented to the Board of County Commissioners for approval. Supporting documentation such as new or revised position descriptions and/or other documentation should also be submitted.

Requests to establish and/or reallocate positions within Beaufort County Department of Social Services and Beaufort County Health Department must be approved by the Office of State Human Resources prior to being submitted for Board approval. The Office of State Human Resources determines the appropriate classification of positions in these departments.

ARTICLE III

RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of Beaufort County to maintain a systematic, consistent recruitment program, to promote equal employment opportunities and to identify and attract the most qualified applicants for employment with Beaufort County. This policy is to be achieved by announcing position vacancies and by evaluating all applicants using the same criteria. The County maintains a policy of providing equal employment opportunities for all persons regardless of race, color, sex, religion, gender, national origin, marital status, political affiliation, citizenship status, veteran status, ancestry, genetic information, non-disqualifying disability, age, or political affiliation. Equal employment opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits and other terms and conditions of employment.

Section 2. Recruitment and Employee Selection

The Recruitment and Employment Policy is to be achieved by centralizing procedures through the County Human Resources Department with the involvement of agency directors and/or personnel specialists, announcing all position vacancies, evaluating applicants, and applying testing methods if necessary. The County Human Resources Department is responsible for maintaining an active recruitment program which meets current and projected staffing needs, using procedures that will ensure equal employment opportunities based upon job-related requirements.

All Department Heads will be responsible for the hiring of employees in their respective departments and should confer with the County Manager and/or Human Resources Director on an as-needed basis; however, in all cases, the final hiring decision is that of the respective Department Head. Department Heads shall be responsible for recruiting qualified personnel for all vacant positions that have been approved in the operating budget for their departments, except when the Board of County Commissioners, upon the recommendation of the County Manager, freezes a vacant position.

Vacated positions shall be reviewed by the Department Head to determine necessary revisions in the current position description prior to submitting the request to the Human Resources Director. The Human Resources Director will review the request, check for proper placement in the County Classification Plan and forward the request to the County Manager for approval.

Department Heads may obtain assistance from the Human Resources Director in the recruiting and selection process, as appropriate. The respective Department Head will

coordinate with the Human Resources Director for vacancy postings with all other County departments, NC Works, local news media and/or other recruitment and selection functions. Department Heads or their designees will provide the Human Resources Director with information on job openings and ensure hiring practices are consistently implemented when working with organizations and other employment agencies.

Section 3. Position Vacancy Announcements

When vacant or new positions have been approved for posting, the County Human Resources Director shall publicize opportunities for employment. Recruiting announcements shall include information pertinent to the position involved, including at a minimum, the classification, position number, primary duties, knowledge and skills requirements, minimum education and experience standards, the salary range, contact person, special certifications and/or licensing requirements and application closing date. Employment advertisements will contain assurances of equal employment opportunity and will comply with federal, state, and local statutes regarding discrimination in employment matters based upon race, color, sex, religion, gender, national origin, marital status, citizenship status, veteran status, ancestry, genetic information, physical or mental disability, age, or political affiliation.

The Human Resources Department will publish vacancy announcements on the Beaufort County website, within all County Departments, with NC Works and NEO-GOV. Information addressing vacant position and hiring requirements may also be published with local and/or other new media, professional journals, professional organizations as necessary to create a quality and diverse pool of applicants. Position vacancy announcements shall be posted for a minimum of seven (7) working days.

Section 4. External/Internal Vacancy Announcements

Beaufort County departments (not subject to the State Human Resources Act) will post all vacancy announcements **externally** and open for the public to make application during the posting period.

The Department of Social Services and the Public Health Department have the option to post vacancy announcements **internally** within their respective department and/or post externally under the State Human Resource Act.

Section 5. Employment Application

The Beaufort County Employment Application is considered as the standard application for vacancies in all County departments other than Beaufort County Department of Social Services and the Beaufort County Health Department which require the State of North Carolina job application (Form PD-107 and/or the NEO-GOV online application. The Beaufort Sheriff's Office uses their own application.

Applications may be obtained through the Beaufort County Website, the Human Resources Department, NC Works, Sheriff's Office and/or online through NEO-GOV. All applications should be submitted to the Human Resources Department, with the exception of the Department of Social Services, Health Department and Sheriff's Office. All persons expressing interest in employment with any County Department will be given the opportunity to file an application for all positions that are advertised. A separate application must be completed for each advertised position.

In order to be considered for a position vacancy, a signed application form indicating the specific position title must be completed and on file in the appropriate department or Human Resources by 5:00 pm on the closing date. Applications must be fully completed, documenting each position held and the associated duties performed since employment. An application is considered active until the position is filled or recruitment is discontinued due to budgetary or other reasons deemed necessary by the Department Head and/or County Manager. Beaufort County does not hold applications for future job vacancies.

Any employee who knowingly and willfully discloses false or misleading information or conceals dishonorable military service; convictions or prior employment history or other requested information, either of which are significantly related to job responsibilities on an application for employment with Beaufort County, may be subjected to disciplinary action up to and including dismissal from employment. Dismissal shall be mandatory where the newly hired employee discloses false or misleading information in order to meet position qualifications.

Section 6. Qualification Standards

All applicants considered for employment or promotion shall meet the employment standards established by the Position Classification Plan and such other reasonable and appropriate minimum standards as may be established by the Board of Commissioners and the State Human Resources Commission. Qualification standards shall be reviewed periodically for purposes of determining whether they are commensurate with specified standards and conform to actual job performance requirements.

The Department Head is responsible for determining the vacancy-specific qualifications that are an addition to minimum class standards and will remain accountable for the adverse effects resulting from the use of qualification standards that are unreasonably construed.

Section 7. Application Tracking

The Human Resources Department shall be responsible for maintaining records regarding job announcements, including posting, and closing dates, all optional referral sources utilized during the recruitment process and the specific information relating to the pool of applicants considered for each position vacancy, with the exception of Beaufort County Department of Social Services, Health Department and Sheriff's Office. Applications shall be maintained a minimum of two years.

Section 8. References and Credential Verification

Efforts must be made to obtain valid information in regard to an applicant's work ethics and periods of employment by contacting former employers, supervisors and other resources who may provide information pertaining to the applicant's work history. Positive references should be obtained in all recruitment processes prior to employment. In those cases, where the Department Head or designee is unable to gather such information prior to employment, the applicant shall be formally notified in the offer and acceptance letter that his/her employment will remain contingent upon the receipt of positive references.

Any reference information, background investigation or education credentials verifications, whether by telephone or correspondence, will become a part of the employee's permanent personnel record. The Department Head or designee will make a reasonable attempt to verify the educational credentials of the new employee. Employees applying for promotions, which require an undergraduate or graduate degree, will have previously unverified credentials confirmed. Departments may continue to request transcripts, as appropriate, to verify course work.

For positions requiring a special license, certificate or registration, the Department Head or designee is responsible for verifying those credentials. Copies of appropriate documentation should be included in the personnel record.

Section 9. Selection

The Human Resources Director and respective Department Head or County Manager will develop, utilize, and document, on a consistent and routine basis, a selection process which best suits the needs of each department and appropriately measures job performance in order to ensure that the best qualified candidate is selected for the vacant position. Such selection method shall include, at a minimum, a structured interview format that ensures all candidates are asked substantially similar questions, and that the answers to those questions are evaluated in good faith, in an objective, fair manner that provides a fair and equal opportunity to all candidates. The Department provides individuals with disabilities the reasonable accommodations they need to interview, which might include providing an accessible location.

An interview panel shall be established to conduct the candidate interview, evaluate relative qualifications and merits of each candidate. The interview panel will consist of management representatives within the respective Department and/or the Human Resources Director. All decisions as to selections of candidates to fill a vacancy will be supported by objective and detailed written documentation reflecting that all above policies have been met. In filling position vacancies, every effort should be made to promote qualified employees from within Beaufort County.

Department Heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualification required for the position. All selection devices administered by the County shall be valid measures of job performance.

Before a commitment is made to an applicant, the County will conduct reference checks regarding the applicant's qualifications, work performance and credentials. In addition, physical examinations, drug screening, criminal background, driving record and credit history investigations may be performed.

Written confirmation will be provided to the selected applicant confirming a formal offer and applicant's acceptance. The offer will also address hire date, salary, probationary period, leave accruals and other pertinent information. The documentation of offer and acceptance shall be placed in the employee's personnel record.

Section 10. Appointments

The Human Resources Director and a Department Head may coordinate efforts to communicate job offers to applicants or employees for position vacancies. A Personnel Action Form must be generated and forwarded to the County Human Resources Director for approval prior to the effective date of the appointment. The County Manager or the Human Resources Director will approve the starting salary. A copy of the personnel action form and other related information are maintained in the employee's personnel record. The County Manager has final approval of all appointments except in the Sheriff's Office, Register of Deeds and positions that required various Board approvals.

If the duties of the position include the operation of County-owned or County-insured vehicles, the Human Resources Department must conduct a review of the driving record of the individual to be hired prior to issuing an offer of employment. The record will become a part of the personnel file.

After a conditional offer of employment, employees will be required to submit to a drug screen in accordance with the County's Drug Free Workplace Policy. Finalists who refuse to undergo drug screening will not be considered for employment.

The Sheriff, Register of Deeds, County Director of Social Services, and the Public Health Director shall appoint all employees within their respective departments. Their respective Boards shall appoint the County Director of Social Services and the Public Health Director. The Board of Commissioners shall appoint the Tax Administrator. The County Manager shall appoint all others.

The Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage, or nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

Applicants selected for employment shall be notified in writing by the Department Head or Human Resources Department as soon as practical including any conditions of employment that may vary from routine policy. Information in regard to salary, classification and a probationary period should also be included in the offer letter.

Section 11. Employment of Relatives

No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the other's employment, promotion, salary administration or related management or personnel consideration.

Immediate family is defined as spouse, parent, guardian, child, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Section 12. Types of Appointments

Following are types of initial appointments that may be affected in Beaufort County.

Probationary Appointment

Individuals receiving original appointments to permanent positions must serve a probationary period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. Persons being rehired after leaving employment in a permanent position shall be required to serve a new probationary period. The probationary period for a new employee, not subject to the State Human Resources Act, shall be (12) months unless special conditions are approved by the County Manager.

A General County employee who has achieved permanent status with the County and who transfers to another position, whether through promotion, demotion, or lateral transfer, may not be required to serve a probationary period for the new position.

Employees subject to the provisions of the State Human Resources Act must serve a probationary period of twelve consecutive months. After completion of the twelve-month probationary period, the employee earns *career status* resulting in property rights for his/her position. He/she shall be separated for just cause and have the right to formally appeal any adverse action. Employees subject to the State Human Resources Act may not repeat a probationary period unless there is a break in service of at least thirty-one days.

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

Employment in a temporary appointment may be credited toward the probationary period at the discretion of the Department Head. Employment in an emergency appointment shall not be credited toward the probationary period.

Trainee Appointment

A trainee appointment may be made to a position in any class for which the specification includes special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the class.

The specification for each class in which a trainee appointment is authorized will define the minimum qualifications for the trainee appointment and the minimum qualifications for a regular probationary appointment. It is expected that the individual will progress through supervised experience to a minimum level of satisfactory performance in the position during the probationary or trainee period whichever is applicable. This limit does not include time spent on educational leave or additional time required to participate in a work-study program designed to meet educational requirements for the class. An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the class. After the employee has successfully completed all educational and experience requirements, his/her status shall be changed to either probationary, permanent or career status, or he/she shall be separated.

If an employee with permanent or career status in another class accepts a trainee appointment, the permanent or career status will be waived for the duration of the trainee appointment. The employee can regain permanent or career status either through successful completion of the trainee appointment, by reinstatement to the class in which he/she previously held status, or by transfer to a position in a class for which he/she would have been eligible based on previous permanent/career status.

Permanent Appointment

A permanent appointment is an appointment to a permanently established position when the incumbent is expected to be retained on a permanent basis. Permanent appointments follow the satisfactory completion of a probationary and/or trainee appointment.

Permanent Part-time Appointment

A permanent part-time appointment is an appointment to an established position for an indefinite period with a work hour schedule totaling less than the number of hours in the regular work week in the work unit in which the position is located. Permanent part-time employees are entitled to County benefits, including holidays, annual leave and sick leave benefits earned on a pro-rata basis. Part-time employees working 1,000 or more, hours annually must also become a member of the Local Government Retirement System.

Temporary Appointment

A temporary appointment may be made to a permanent or temporary position. The appointment shall typically be limited to a maximum duration of twelve months and work less than 1,000 hours annually. The appointee must meet the minimum training and experience standard of the class to which initially appointed. Temporary employees are subject to the Affordable Care Act and must be offered health insurance if they average working 30 hours per week or at least 130 hours in a calendar month.

Emergency Appointment

An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived. An emergency appointment may be made for a period of up to sixty workdays, consecutive or non-consecutive, or a total of 480 hours in "pay status". Any one individual may not receive successive emergency appointments. At least three calendar months must elapse before the employee may serve another emergency appointment.

Work Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. Work-against appointments may only be made in classifications that have previously been approved for work-against appointments. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the training and experience requirements for the full class, and for the position in

question. Once the employee gains sufficient experience to qualify him/her for the classification of the position, the employee must be promoted to the full classification. Employees are entitled to all benefits offered by the County.

Contractual Agreement

A contract is a working arrangement by written agreement between the Contractor and Beaufort County for the utilization of special skills or services as required by the Department. All contracts shall be reviewed, pre-audited by the County Finance Director and County Attorney and approved by the County Manager. The Department shall comply with the provisions of the Internal Revenue Services in the determination of employee-employer relationships.

Section 13. Probationary Period

All Beaufort County employees shall serve an initial probationary training period for a period of (12) months unless special conditions are approved by the County Manager. The probationary period is an orientation or training period during which employees can receive extra feedback while they learn a new job. The immediate supervisor, program/division manager or the Department Head will conduct periodic performance evaluations that allow the employee to remain aware of any work performance deficiencies.

At the end of the designated probationary period, an employee who has not achieved the desired level of performance shall be separated. Service in a probationary period is “at will”, and an employee may be dismissed for any reason. A probationary employee may be dismissed without the right of appeal, however, will receive formal written notification outlining the specific reasons for dismissal.

General County Employees, who completes a probationary period in a satisfactory manner, will be considered permanent employees. They shall not be required to complete another probationary period if ever promoted or transferred to a different position within the Department or to a different position within another County Department.

Section 14. Career Status

Employees of the Department of Social Services and Public Health Department who are subject to the State Human Resources Act provisions must work for twelve (12) consecutive months in probationary status before they gain a property interest that is protected by due process. Employees who have completed the consecutive, twelve months of service have the right to formally appeal any adverse action.

Section 15. Promotion

A promotion is a change to a classification at a higher level. This may result from movement to another position or by the present position being reallocated to a higher classification as a result of increases in the level of duties and responsibilities. When it is feasible, a vacancy should be filled by promotion of a qualified employee. Candidates for promotion shall be chosen on the basis of their qualifications and their work records.

Section 16. Demotion/Reassignment

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

If the change results from inefficiency in performance or as a disciplinary action, the action is considered a demotion. If the change results from a mutually agreed upon arrangement, the action is considered a reassignment. When an employee is demoted, it is expected that he/she will possess the minimum qualifications required for the new class at the respective level of appointment.

Section 17. Transfer

If an employee is eligible for a transfer and wishes to be considered for an appointment to a vacant position within a Department, a written request made by the employee should be forwarded to the Department Head. The employee must apply for the position during the recruitment period for the posting and also meet the minimum qualifications for the position. The Department Head shall forward a personnel action form and application to the Human Resources Director.

ARTICLE IV

THE PAY PLAN

Section 1. Adoption

The pay plan includes an annual salary schedule, reflecting both grade levels and steps as approved by the Board of Commissioners, is hereby adopted as the Pay Plan for Beaufort County. The salary schedule consists of a Minimum, Midpoint and Maximum rates of pay for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

Section 2. Maintenance of the Pay Plan

As delegated by the County Manager, the Human Resources Director shall be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation of all positions when considered in relation to each other, general rates of pay for comparable employment positions in the private and public sector in the area, changes in the cost of living, the financial conditions of the County, and to other factors deemed relevant by the County. To ensure equitable compensation, the County Manager or Human Resources Director shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners such changes in salary ranges as are warranted.

Section 3. Administration of the Pay Plan

The Pay Plan is intended to be administered in a fair and systematic manner in accordance with work performed by County employees. It is intended that, to the extent possible, the pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and The Pay Plan shall meet the requirements of the State Human Resources Commission for employees that are subject to the State Human Resources Act, while maintaining a systematic, countywide plan.

Section 4. Transition to New Pay Plan

The following principles shall govern the transition to Pay Plan:

- A. No employee shall receive a salary reduction because of the transition to a new pay plan.
- B. All employees being paid at a rate lower than the minimum rate established for the respective class shall have their salaries raised to the new minimum for their respective classes.

- C. All employees being paid at a rate below the maximum rate established for their respective classes.
- D. Except with respect to cost of living pay increases, all employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present salaries if the maximum rate is below the employees' present salaries.

Section 5. Implementation of the Pay Plan

The pay plan shall be designed to facilitate fair and equitable pay decisions based upon the needs of both management and the employee. Salary ranges are intended to permit, to the extent possible, the recognition of individual performance. The following provisions shall govern the granting of pay increments within specific salary ranges.

Section 6. Hiring Rate/Starting Salary

The Human Resources Director reviews, recommends and approves salary requests for compliance with Beaufort County and Office of State Human Resources policy. Requests are submitted to the County Manager for final approval. Employees will typically be hired at the minimum rate of their assigned Salary Grade. Hiring an employee above the minimum salary range may be made with approval from the County Manager when deemed necessary in the best interest of the County, based on such factors as superior qualifications of the applicant, shortage of qualified applicants available at the hiring rate or the refusal of qualified applicants to accept employment at the minimum range. Department Heads shall consider internal equity of other employees in the Department when making a recommendation for employment above the minimum rate. Any appointment above the midpoint must be approved by the Board of County Commissioners.

At the recommendation of the County Manager, the Board of County Commissioners may authorize a Special Minimum rate for job classifications in which the County experiences significant difficulty with recruitment and/or retention of employees. In effect, this becomes the new minimum salary rate for employees hired in this class. Prior to utilizing the Special Minimum Rate, the salaries of current employees in the respective job class shall be reviewed by the Human Resources Director and County Manager and shall be adjusted to the Special Minimum Rate to maintain salary equity for the class.

Section 7. Pay Status

All non-exempt employees are in pay status when working and will be paid in compliance with the Fair Labor Standards Act.

Employee's that work a 168-hour work schedule, with overtime starting at 171 hours, will be paid at the 1 X rate for all hours worked up to 171 hours.

An employee is in pay status when working and when utilizing annual and sick leave. An employee is not in pay status while on unapproved or approved leave without pay, inactive status while on Workers' Compensation or after his/her last day of work when separated from employment because of resignation, dismissal, retirement, reduction-in-force, or death.

Section 8. Pay Periods

The County maintains a bi-weekly pay period. Pay periods begin Monday and end on Sunday. There will be 26 pay periods each year. Any employee who is paid for time not worked or otherwise receives compensation that is not due him/her shall have such overpayment deducted from his/her check in the following pay period.

Section 9. Payment Within the Salary Range

All employees covered by the pay plan shall be paid at a rate within the salary range established for their respective job classes except for employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new pay plan. When the employee attains the maximum rate of a salary range for his or her present position, no further salary increases other than a cost-of-living will be received unless the position is reclassified, the employee is promoted to another position with a higher salary range or the salary for the present position is increased.

Section 10. Salary of a Trainee

An applicant hired, or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, and the classification has been previously approved for a trainee progression, may be hired as a "trainee". For employees appointed as "trainees", their salary must be less than the minimum of the salary range of the respective grade of the classification assigned. Employees who are subject to the State Human Resources Act will be designated as "trainees" in accordance with the rules and regulations established by the Office of State Human Resources. All other County employees shall be designated "trainees" based upon recommendations of the Department Head with the approval of the County Manager and/or the Human Resources Director. Employees in a trainee status shall continue to receive a reduced salary until the appointing Department Head determines that the trainee is qualified to assume the full responsibilities of the position. This decision is made in accordance with information provided in the Beaufort County Classification Specification and for employees that are subject to the State Human Resources Act under that Act.

An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the classification. After the employee has successfully completed all educational and experience requirements, he/she shall be given a probationary, permanent or career status appointment or shall be separated.

If an employee with career status in another class accepts a trainee appointment, the status will be waived for the duration of the trainee appointment. The employee can regain career status either through successful completion of the trainee appointment, by reinstatement to the class in which he/she previously held status, or by transfer to a position in a class for which he/she would have been eligible based on previous status. A former employee who does not meet the minimum requirements of the class to which he/she is being appointed shall be given a “trainee appointment”. All requirements for the trainee appointment must be satisfied prior to attaining career status for employees that are subject to the State Human Resources Act or permanent status for General County employee.

Section 11. Salary for a Work-Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification, the Department Head may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the training and experience requirements for the full class, and for the position in question. The salary for an employee in a work-against appointment may be made at any step within the salary range of the lower classification and may even exceed the minimum of the salary range assigned to the higher classification.

Section 12. Pay Rates for a New Appointment

Employees who qualify for the classification for which they are hired will typically receive the minimum rate of their assigned salary grade. Exceptions will be made in accordance with information above in Hiring Rate/Starting Salary in Section 6.

Section 13. Pay Rates in Promotions, Demotions, Transfers and Reclassifications

A. Promotions

The purpose of the promotion pay increase is to recognize and compensate the employee for assuming increased responsibility. When an employee is promoted to a position with a higher salary grade, the employee’s salary shall normally be advanced to the beginning of the new position, or to a salary which provides an increase of at least approximately 5% over the employee’s salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants or for other reasons related to the merit principle of employment, the County Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees’ qualifications for the job and relative worth to the County, taking into account the range of the position and relative qualifications of other employees in the same

classification. In no event, however, shall the new salary exceed the Maximum rate of the new salary range. The amount of the salary adjustment should be based upon:

1. the employee's related education, training, and experience
2. the nature of and the magnitude of the change in jobs
3. budget availability
4. consistent with similar situations in the past
5. internal equity within the work unit
6. other relevant issues

B. Demotions

If an employee is demoted because of a reclassification and the employee's current salary is above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring the salary within the lower range. If an employee is demoted for disciplinary reasons, the employee's salary will be reduced by at least 5% of the current salary, if the reduced salary does not fall below the minimum of the salary rate of that range. When an employee requests a voluntary demotion, the employee's salary will be reduced by 5% of the current salary if the reduced salary does not fall below the minimum of the salary rate of the new range. The employee shall receive a letter confirming the appointment to the lower-level position and the newly assigned salary as well as a position description outlining the revised duties and responsibilities. The County Manager will have final approval of voluntary and disciplinary decreases in salaries.

C. Transfers

When a transfer occurs from a position in one class to another class assigned to the same grade within the same department, the employee shall continue to receive the same salary. In cases where the employee transfers from one department to another within the County, the employee may receive a salary adjustment dependent upon a significant change in duties and responsibilities.

D. Reclassifications

Reclassification is the reassignment of an existing position from one classification to another based-on job content such as duty, kind of work, level of difficulty, decision-making responsibility, required skill and education as well as accountability for work being performed. Reclassification impacts specific positions. When an employee's

reclassified position is assigned to a higher salary range, which involves movement to a new salary grade, and employee's salary is below the entry level of the new salary grade, the employee's salary shall be increased at least to the minimum of the salary grade. When a reclassification occurs to a higher pay grade, the employee will receive a minimum increase of 5%. The adjusted salary may not exceed the maximum of the assigned salary range. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum established for the new class, the salary of the employee shall be maintained at that level, except for cost-of-living increases, until the position's pay range is increased above the employee's current salary.

Section 14. Pay Rates and Salary Range Revisions

When the Board of Commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A. When a class of positions is assigned to a higher pay range and an employee's salary in that class is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to the minimum of the range of the newly assigned class. If the employee's salary is already at or above the new minimum of the range, the Board of Commissioners may elect to increase the salary within the range. An employee's salary may not exceed the maximum of the range in the newly assigned class.
- B. When a class of positions is assigned to a lower pay range, the salaries of 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, the salary of the employee shall be maintained, except for cost-of-living increases, at that level until the employee's pay range is increased above the employee's current salary.

Section 15. Pay for Part-time Work

Compensation of any employee in a permanent or temporary position, appointed for less than full-time service and whose duties require that he/she work less than 1000 hours a year, shall be calculated based upon the hours worked by the part-time employee in relation to the corresponding salary the employee would earn and hours the employee would work if he or she were full-time. Such employees will be paid monthly on the 15th of each month.

A part-time employee who qualifies for the Local Government Employees Retirement System, i.e., whose duties require that he/she work at least 1000 hours per year, shall be paid a prorated salary based on the salary schedule and will be paid on a semi-monthly basis. Part-time employees who work 1000 hours a year will also qualify for all the same benefits

provided to full-time employees, including personal leave, sick leave and holiday pay on a pro-rata basis depending upon the number of hours the employee works. *See Article VI, Section 8, Leave Pro-Rated for Part-Time Work.*

Section 16. Pay for Temporary Work

Compensation for an employee, working in a temporary appointment, working full-time or part-time, will be paid at the hourly rate of the salary grade assigned to the classification in which the employee is assigned. Temporary employees are not eligible for benefits including sick or annual leave but do receive holiday premium pay at ½ time rate for hours worked on a designated holiday.

Section 17. Compensation for Work on Holidays – Holiday Premium Pay

All employees, except exempt employees, who are required to work on a County holiday shall receive, in addition to regular pay, *holiday premium pay* equal to one-half of their regular straight time hourly rate for hours worked on the holiday.

In addition, permanent, career status, probationary and trainee employees will receive regular pay, based on their current hourly rate, on an hour for hour basis for time worked on the holiday, not to exceed the regular number of hours allocated for the holiday. Temporary, or part-time employees working less than 1000 hours do not receive this additional pay.

Employees who work on a holiday due to emergency call back shall receive holiday premium pay and emergency call back pay. Employees will not work on any of the designated holidays except when services are essential for operation. The Department Head must have acquired approval from the County Manager for an employee to work on a holiday.

If a shift does not coincide with the holiday, the time when the shift begins will set the hour limits of the day for computing premium pay.

Section 18. Salary at Separation

The regular payroll checks for the current month in which the employee is separated will typically include annual leave and overtime amounts due. An employee who separates employment with the County will receive a deduction in final pay if there is a negative balance in sick leave or annual leave.

Section 19. Fair Labor Standards Act

Beaufort County abides by all applicable sections of the Fair Labor Standards Act and the North Carolina Wage and Hour Act. Each supervisor is responsible for ensuring that applicable overtime accrued for each eligible employee is accurately recorded. Employees are not to perform work during meal periods or at any time that they are not scheduled to

work unless they receive advance approval from the Supervisor or Department Head, except in cases of emergency. An emergency exists if a condition arises that could result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

Beaufort County employees may not volunteer or work in other County departments while employed by another County department. Only in emergency or unusual situations will an employee be approved to work in another department and only with the approval of the Department Head. The County Manager has final approval. Any employee who volunteers or works with another department without prior approval will be subject to formal disciplinary action up to and including termination of his/her employment.

Section 20. Exempt and Non-Exempt Designations

Certain employees are exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees include executive, administrative and professional employees as defined by the Fair Labor Standards Act. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved. Exempt employees are expected to work whatever numbers of hours are required to accomplish their duties rather than being paid for the number of hours worked in a workweek. Exempt employees may not be paid for hours worked more than their regularly scheduled work period.

When specific, extraordinary working conditions warrant, such as extreme weather conditions, acts of terrorism, declaration of state of emergency, the County Manager may authorize exempt employees to be paid for overtime on an hour for hour basis. This is a privilege granted by Beaufort County and is subject to change. Employees approved to be paid overtime during these conditions must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken. Overtime will be paid on an hour for hour basis and may not be transferred to an annual or sick leave account, transferred to another employee, nor accumulated to be taken later. Overtime is based on hours worked over 40 in a workweek or 171 for a 28-day work period for law enforcement.

All other employees are considered non-exempt and are subject to the overtime provisions of the Fair Labor Standards Act.

Section 21. Overtime for FLSA Non-exempt Employees

It is the goal of Beaufort County to provide a workload that can be processed within the normal working day. Employees are expected to work during all assigned periods exclusive of mealtimes. Work more than the regular schedule is discouraged unless necessary and should be performed only with the approval from the Supervisor, Department Head or County Manager. Approval from the County Manager must be secured by the Department Head before any monetary compensation for overtime is provided.

All employees governed by the Fair Labor Standards Act shall maintain, true, complete, and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the Supervisor in a timely fashion. This record must be signed by the employee and immediate supervisor. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday or workweek, except in those cases where excessive hours of work are necessary.

Employees who work excess hours because of an emergency shall advise their supervisor of the overtime worked as soon as feasible and will be compensated accordingly. Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented in accordance with the established record keeping forms and instructions.

Overtime is earned at the rate of 1 ½ times the hours worked for non-exempt employees. The time which employees work must be recorded on their timesheets. Computation for overtime will include actual work hours over and above the standard work hours for a seven (7) day work period for non-law enforcement employees. The work period or workweek will begin on Sunday and end on the following Saturday. For employees on a forty (40) hour, seven (7) day work period, overtime will be considered when their standard seven (7) day work period hours are exceeded.

Sick leave, annual leave, military leave, holidays, adverse weather, and court time in a work period will not count toward computing overtime hours.

Section 22. Overtime Pay Provisions

Non-Exempt Employees: Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; or 171 hours in a 28-day cycle for sworn law enforcement employees). Hours worked beyond the Fair Labor Standard Act established limit will be compensated with pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours worked shall be considered; in no event will vacation, sick leave, holidays or on-call time be included in the computation of hours worked for FLSA purposes.

Exempt Employees: Employees in positions determined to be “exempt” from the Fair labor Standard Act (as Executive, Administrative, or Professional staff) will not receive pay for hours worked more than their normal work periods.

Section 23. Compensatory Time for FLSA Exempt Employees

Upon the recommendation of the Department Head, the County Manager *may* authorize exempt employees to accrue compensatory time for overtime worked when special working conditions exist. Compensatory time is earned or accrued by an exempt employee for time worked more than a workweek established by these policies that do not result from the FLSA provisions. Compensatory time is earned at the rate of one hour for each hour worked by

exempt employees. In times of a natural disaster (ex: hurricane, tornado, etc.) where emergency response and disaster recovery are required, and the County is under a declaration by the Governor and/or President, exempt employees including Department Heads are eligible for compensatory time or paid monetary compensation as approved by the County Manager. The County Manager may authorize compensation time for Department Heads in other unusual circumstances. Department Heads will remain accountable for the approval of work schedules for exempt employees and will ensure proper documentation of hours worked by employees. Exempt employees under the FLSA shall be granted compensatory time as specified below:

- A. Compensatory time shall be taken by an exempt employee at the convenience of the Department and at the discretion of the Supervisor, Department Head or County Manager, as applicable, at a time, which will least obstruct the operation of the Department. In the case of emergency, unforeseen requests, the employee will notify a supervisor within 30 minutes from the beginning of the workday or shift.
- B. Compensatory time may not be formally transferred to any other type of leave.
- C. Employees approved to accrue compensatory time must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken.
- D. Compensatory time must be taken within three (3) months from the date it is earned. If not taken within this period, compensatory time is lost.
- E. Compensatory time is lost when an employee is separated from County service. Compensatory time may not be paid, and an employee's separation date may not be moved forward in recognition of a compensatory time balance.

Section 24. Cost-of-Living Increases

Employees' wages may be reviewed annually and possibly adjusted with a percentage cost of living increase. Such adjustments will depend upon the availability of funding and will be subject to the approval of the Board of County Commissioners.

The Board of County Commissioners may also consider and approve a one-time payment, dependent on the availability of funding, for all County employees. The Beaufort County Board of Commissioners will approve effective dates for cost-of-living increases.

Section 25. On-Call and Call Back Compensation

A. On-Call

The County provides continuous twenty-four hours a day, seven days a week service to its citizens. Therefore, it is necessary for certain employees to respond to any

reasonable request for duty at any hour of the day or night. Being on-call is a back-up position for an emergency.

An employee is required by the Fair Labor Standards Act to be compensated with regular pay for on-call time if he/she must remain near an established telephone or otherwise substantially restrict personal activities to be ready to respond when called.

On-call time where the employees *are not* restricted to the employer's premises or their own residence but must remain in their respective response area and can use their time for their own purposes should not be counted as work time. However, Beaufort County chooses to compensate employees at a rate less than regular pay for the inconvenience of being "on-call" duty when the time is not substantially restricted. Non-exempt employees required to be on on-call duty will be paid for 5 hours of work at straight time for each week (approximately 128 hours, excluding work time), of stand-by time they serve. On-call compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time. Hours worked while on-call are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week.

A designated pay shall be set based on work performed on a weekday, weekend, or holiday. In the case that an employee's service is utilized and he or she surpasses the allotted regular work hours, overtime provisions will be considered. An employee who is scheduled for on-call duty during a County approved holiday will receive compensation for time worked on the holiday in addition to any call-back pay.

There are instances where an on-call employee receives an emergency call and can handle the crisis without leaving his or her place of residence. In this situation, the call back time should be recorded in fifteen (15) minute intervals with a minimum of fifteen (15) minutes recorded for each telephone call received. Multiple telephone calls within a fifteen (15) minute time frame are considered one instance for purposes of compensation.

B. Call-Back

Call-back time consists of actual time spent when called back to work to address an emergency. Time on call-back will begin when the employee is notified to leave his or her place of residence for travel to the work site and will end when the emergency work is completed. If the employee does not depart immediately to report for emergency call-back, the Department Head or supervisor shall determine a reasonable amount of time for travel that should be considered as compensable. It is the policy of Beaufort County that the employee be guaranteed compensation for a minimum of *two hours* for emergency call-back when they are required to leave their place of residence or other current location.

An emergency is an occurrence where the employee's services are immediately required that were not previously planned or scheduled. If an emergency should occur near or at the end or beginning of scheduled work period and it is necessary that the employee remain on the job beyond the normal quitting time, this is not an emergency call-back. However, the employee should be given credit for actual time worked as a part of the total hours worked during the workweek.

An employee "called back" to work outside their scheduled work hours will be compensated at the rate of time and one-half their regular hourly rate.

An employee who is on call-back duty during a County approved holiday will receive compensation for time worked on the holiday in addition to any call-back pay.

Call back time shall be recorded separate from other work time on the Emergency Call Back Time Sheet which the employee must attach to their regular monthly timesheet. All call back-time must be approved by the employee's supervisor.

Section 26. Adjustment to Pay

If an employee works less than the full pay period and has inadequate leave to cover the period for which the employee is absent from work, the amount of pay shall be calculated by multiplying the hours short in the pay period by the hourly rate of pay. This amount will be subtracted from the employee's base monthly pay. It is the responsibility of each Department Head to notify the County Finance Office with such payroll adjustments.

In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report their concerns to their immediate Supervisor or Department Head.

Section 27. Salary Adjustments Based Upon Certification

There are departments within Beaufort County where the completion of specialized training courses and obtaining advanced certifications enhance the employees' ability to perform the duties and responsibilities of the position they occupy. These are courses and certifications that are above and beyond the initial requirements for the position. It is the responsibility of the Department Head to monitor such activity and request special salary adjustments based upon the completion of these training courses and/or certifications only when doing so benefits the department and the citizens of Beaufort County. The requests should be made to the Human Resources Department with proper justification and recommendations. The County Manager will provide final approval.

Section 28. Payroll Deductions and Complaint Procedure

Federal and State income taxes, Social Security taxes, local tax garnishments, withholding for court-ordered child support payments and retirement contributions are payroll deductions authorized by law. State and Local Credit Union deductions and insurance coverage requested by the employee and not paid by the County may also be deducted. Because these deductions are calculated based on information provided by the employee, it is mandatory that the employees keep the County informed of their personal status for withholding purposes. Any other payroll deductions must be approved by the County Manager.

Complaints regarding alleged improper salary deductions must be made to the Human Resources Director and the Department Head, in writing, who will initiate an investigation to determine whether deductions taken, if any, were improper, and will advise the employee, accordingly, fully reimburse the employee for any improper deductions, and take all measures necessary to ensure that no further improper deductions are made. Likewise, any overpayments made to employees will be deducted from the employee's paycheck in the following pay period once any overpayment has been identified.

Section 29. Effective Date of Salary Changes

Personnel actions changing salary and positions will be effective on the first Monday of any bi-weekly pay period to be consistent with Beaufort County pay periods and payroll processing.

Section 30. Direct Deposit

Employees will be paid by electronic transfer of funds to their designated bank account(s). A direct deposit form must be completed and signed by the employee before bank accounts can be initially set up or changed.

Payroll advice will be emailed to employees each pay day and will show documentation of their wages, deductions and leave balances.

ARTICLE IX

GRIEVANCE PROCEDURES AND APPEAL POLICIES

Beaufort County has established a formal process by which General County employees who have permanent status and employees subject to the State Human Resources Act who have obtained career status may grieve adverse actions. The process for which an employee will take depends on the situation and whether or not the employee is subject to the provisions of the State Human Resources Act.

Section 1. Definitions

- A. Adverse Action - A personnel action that involves one of the following situations: Suspension without Pay, Disciplinary Demotion, Dismissal.
- B. Non - Adverse Actions - Issues relating to working conditions, policies and practices not defined as adverse actions. Employees experiencing non-adverse concerns typically utilize the Informal Resolution of Complaints Policy.

Section 2. Informal Resolution of Complaints Policy

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

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

- A. Request a meeting with the immediate Supervisor to present the issue of concern.
- B. The Supervisor shall schedule a meeting with the employee within 3 working days.
- C. At the meeting, the Supervisor shall review the issue with the employee and collect all information and data concerning the situation.
- D. The Supervisor should review the issues from the meeting and reach a conclusion the regarding the issue. The Supervisor should make recommendations regarding

the issue in writing to the employee within seven (7) days of the meeting. The letter should contain a summary of the issues and recommended actions that can be taken to resolve the issue, or if no action is recommended, reasons why.

- E. If the employee is unsatisfied with the immediate Supervisor's response, he or she may request a meeting with the Department Head.
- F. At this meeting, the employee shall again present the issue being grieved, reasons for the grievance, and recommended solutions from the employee.
- G. The Department Head shall review all matters regarding the issue and provide a written response to the employee within seven (7) days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the grievance procedure.

If the issue involves other employees of the agency, the management shall include those employees in the review of the situation and should consider their input and feedback in the final decision process.

Section 3. Appeal of Adverse Actions for Permanent County Employees

This section provides the appeals procedures for Permanent County employees (employees who have completed a probationary period and are not subject to the State Human Resources Act) regarding Adverse Actions taken against an employee. Employees of the Sheriff's Office and Register of Deeds are NOT covered by this policy.

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

There are two steps, which a General County employee may take to have an appeal on an adverse action heard. They are as follows:

Step 1: The employee with an adverse action who seeks the first step in the appeal process shall request IN WRITING for an appeal. The request must be submitted to the Department Head and must be received within 15 days of the occurrence of the adverse action. The Department Head will then schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Department Head for consideration. The Department Head shall then render a decision in writing within 10 days to the employee.

Step 2: If the employee is not satisfied with the decision made, the employee may request a second appeal to the County Manager. The employee shall submit a formal appeal request in writing to the Beaufort County Manager within 30 days of the date of the letter of the Department Head decision notification. The County Manager will then schedule a formal appeal hearing and inform the employee in writing of the date and time of this hearing. The employee, at this hearing, will be able to provide evidence on their behalf to the County Manager regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the County Manager. The County Manager shall then render a decision regarding the appeal in writing within 10 days to the employee.

Key Points Regarding this Policy:

All timeframes must be met. Failure to meet timeframes results in loss of appeal rights under this policy.

- A. All requests for appeals must be in writing
- B. Employees in probationary or temporary employment situations do not have rights under this policy
- C. Each adverse action shall have a copy of the appeals process attached, as well as each written decision in every step of the appeal process

Only employees in a *permanent* status have appeal rights under this policy

It is important to note that employees of the Sheriff's Office and Register of Deeds DO NOT HAVE APPEAL RIGHTS under this policy, since they may be discharged at will. Employees of these departments do have a right of protection under federal workplace laws.

Section 4. Appeal of Adverse Actions for Career Status Employees Subject to State Human Resources Act

Employees of Beaufort County Department of Social Services and Beaufort County Health Department are required to follow grievance procedures established by the Office of State Human Resources.

ARTICLE V

CONDITIONS OF EMPLOYMENT

Section 1. Code of Ethics

It is the responsibility of Beaufort County employees to ensure that all citizens, clients, patients, and co-workers are treated with dignity and respect without regard to race, color, sex, age, religion, disability, genetic information, political affiliation, marital status, veteran status, citizenship status, ancestry, or national origin. Employees shall strive to increase accessibility of all services and resources including providing a prompt and professional response to identifiable needs of consumers and the general public. Employees shall ensure the rights of those served are observed with privacy and with appropriate and professional care.

Employees shall conduct themselves in accordance with widely accepted professional standards of behavior and shall perform their duties in compliance with laws, statutes, and regulations relevant to the operations of Beaufort County.

Section 2. Workweek

The standard workweek for all Beaufort County employees will be determined by the Department Head, County Manager and Board of County Commissioners as deemed necessary to meet operational needs. Agencies or departments will either operate on a 40-hour workweek or on a work cycle of 171 hours over a 28-day work period (Law Enforcement only). Employees shall be advised of their work schedule by their Department Head or Supervisor. Any deviation from the assigned work schedule must be approved by the employee's Department Head or Supervisor. The County Manager, however, must authorize permanent schedule changes for a Department Head.

Section 3. Gifts, Tips, Favors and Gratuities

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

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.

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

Gratuities shall be refused by all County officials and employees.

Section 4. Conflict of Interest

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

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

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

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

Participation by an employee in a sexual or romantic relationship or in any way soliciting or encouraging such a relationship with a client, patient, customer, etc. shall be grounds for the immediate termination of employment for reasons of unacceptable personal conduct. Employees shall neither invest nor hold any investment directly or indirectly in any financial business, commercial or private enterprise that creates a conflict or is incompatible with their official duties. Employees may purchase products and services from companies affiliated with the County so long as the employees do not use their employment with the County as the basis for eligibility for discounts, loans, favors or other personal benefits not routinely available to customers of those companies. Employees are specifically prohibited from giving or lending money or other items of value to any client and from borrowing or receiving money or other items of value from any client.

Section 5. Political Activities

Every Beaufort County employee has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee, outside work hours, may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate, and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and of the United States of America.

However, no County employee shall, while on duty, do the following:

- A. Engage in any political or partisan activity.
- B. Use official authority or influence for the purpose of interfering with or affecting the results of an election of a nomination for office.
- C. Be required, as a duty or conditions of employment, promotion, or tenure to contribute funds for political or partisan purposes.
- D. Coerce or compel contributions for political or partisan purposes by another employee of the County.
- E. Use County funds or property for political or partisan purposes.
- F. County employees may accept positions on local boards and other local officer positions as long as that position does not interfere with the County position, he/she may occupy, and the local officer position is non-partisan.
- G. Be a candidate for nomination or election to the office of Beaufort County Commissioner

Local Government Employees subject to State Human Resources Act and employees in certain federally aided programs are subject to the Hatch Act, as amended. The federal act, in addition to prohibiting activities as set forth in all above, also prohibits candidacy for elective office in a partisan election. Any violation of this section may subject the employee to disciplinary action up to and including dismissal.

Section 6. Alcohol and Drug Free Workplace

It is the policy of the Beaufort County Board of Commissioners that an alcohol and drug-free workplace shall be maintained. The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties. The County is committed to

developing and administering a fair and consistent policy to promote and maintain a work environment free of alcohol and drugs.

Definitions

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

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

Prohibited Conduct

The following conduct is prohibited under this policy:

- A. The unauthorized use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
- B. Reporting to work or working while under the influence of illegal drugs, non-prescribed drugs, or alcohol, on County premises or any County work area, in County vehicles, or while on County business.
- C. The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
- D. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place. Conviction of any criminal drug or alcohol statute at any time or place—for some positions, to be evaluated on a per case basis for relevancy to job.

- E. Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.
- F. Failure to notify the employee's Supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
- G. Refusal to immediately submit to an alcohol and drug test when requested by a Supervisor and/or Department Head, in accordance with this policy.
- H. Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- I. Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

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

Drugs to be Tested.

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

Prescription Medication Use

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

Supervisors shall be encouraged to monitor employee behavior and assess possible warning signs indicating that the employee's work performance while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for serious concern with regard to the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or compensatory leave, if applicable, or leave

without pay if all paid leave has been exhausted pursuant to any applicable County policy for all time away from work, until such time the employee can safely return to work. Supervisors shall document the circumstances, and the employee may be reassigned to other duties where appropriate.

Applicant Testing

Applicants selected for employment are subject to the testing provisions of this program. All selected applicants for employment will be provided with written notification of this drug testing policy, and a pre-employment drug test shall be conducted on applicants offered positions with Beaufort County by Human Resources, with the exception of applicants for positions at the Sheriff's Office. Applicants will be formally notified in an offer letter that their employment with Beaufort County will be contingent upon negative test results in those cases where the test is conducted after the employment offer and employee begins work.

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

The County shall also require pre-employment drug testing in cases of temporary employment or part-time employment as well as a Commercial Driver's License (CDL), to perform the duties as an employee of the County and persons performing transit related safety sensitive functions using vehicles. It is recommended that applicant testing be conducted prior to the first day of employment.

Current Employee Testing

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

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

- A. The procedure for confirming an initial positive test result.
- B. The consequences of a positive test result
- C. The right of an employee to explain a positive drug test result and the appeal procedures available; and

- D. The consequences of refusing to undergo a drug test.

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

Post-Accident and Post-Incident Testing

An employee shall submit to a drug test following an on-the-job accident or other occurrence that involves one or more of the following events: a fatality, a serious injury to an employee or other individual, damage to vehicles or other property, or if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. An employee may also be tested after a series of minor on-the-job accidents or injuries as determined by the Department Head.

- A. Employees are subject to testing when they cause or contribute to accidents that seriously damage a Beaufort County vehicle, machinery, equipment, or property or result in an injury to themselves or another employee requiring offsite medical attention.
- B. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a Beaufort County pickup truck, overhead cranes, and aerial/man-lifts) is found to be responsible for causing the accident.
- C. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident.
- D. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
- E. Employees who are involved in a motor vehicle accident in which they have been found at fault and have also obtained an injury as result, shall be drug tested for the motor vehicle accident and not the injury.
- F. The employee will be transported to the County's contracted testing facility.
- G. One member of management or a designated attendant will accompany the employee.
- H. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
- I. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from Beaufort County will be arriving and will need a drug or alcohol test completed.

- J. The employee should be provided water to drink prior to leaving the company premises.
- K. The employee should be given reasonable time (not to exceed 15 minutes) to secure photo ID in the company of a Beaufort County representative.
- L. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained.
- M. The supervisor or County representative must ensure that the employee brings the photo ID with him or her when leaving Beaufort County premises.
- N. The employee to be tested must sign a consent form provided by the testing facility.
- O. A Beaufort County representative must sign as a witness to the collection procedure, along with the tested employee.
- P. After returning to the County or when leaving the testing facility, the supervisor/manager must decide to transport the person home (unless testing results are immediate).

The Test

Normally a urine, breath, mouth swab and/or blood test or industry standard testing will be used to determine the presence of drugs. In Beaufort County, Human Resources performs a saliva test on new hires. All personnel involved with the sample collection, transporting and testing, will maintain a strict chain of custody. Tests will be made in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws. Employee will be advised of the basis for the reasonable cause and the requirement that the employee sign a test consent form, methods of testing which may be used, substance which may be identified, importance of cooperating with the collection site personnel, confidentiality of individual test results and consequence of refusing to sign consent forms, failing to submit to immediate testing, failing to report for a specimen collection or receiving a verified positive drug test result. County personnel shall transport the employee to the test site immediately after signing the consent form and shall remain with the employee for the duration of the testing procedure.

When a positive test is received, the Medical Review Officer from the Drug Testing company will contact the applicant to verify if they have a legitimate prescription for the drug. If there is a legitimate prescription, the Medical Review Officer will determine that the test is negative if the test results show ranges within normal limits for the prescription. If there is no legitimate prescription, the Medical Review Officer will contact the Drug Testing company, who then contacts the Human Resources Director. The County Manager and Department Head will then be notified. The Human Resources Director then receives a

notification that identifies the particular substance found. Such an applicant or employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended.

A certified toxicologist of the approved laboratory as listed above will determine the content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug.

Consequence of a Positive Test Result

An applicant may be denied employment if his/her drug test is positive. An employee, who has a positive drug test result, following the Department Head informing the County Manager, may be immediately terminated.

Use of Results in Criminal Action

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

Notification of Conviction

Each employee shall notify his or her Supervisor of any charge or conviction for being in violation of any criminal drug statute immediately but no later than two days after being charged or convicted with a drug violation. The County Manager and the respective Department Head may place an employee who has been charged with violating a crime involving drugs on Investigation with Pay until pertinent details have been researched. It is not recommended that management place an employee on long periods of Investigation with Pay pending criminal court action. Department Heads are encouraged to research the circumstances and decide based upon available facts and may initiate disciplinary action up to and including termination of employment.

Additional Standards

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

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements and/or who operate or maintain transit vehicles purchased with federal funding. Such tests will be conducted in accordance with federal guidelines and will include the following:

- A. Pre-employment testing for controlled substances.
- B. Testing upon reasonable suspicion of alcohol or drug use.
- C. Post-accident testing within two hours of an accident that involves:
 - 1) a fatality; or
 - 2. the County driver receiving a citation and/or contributing to the cause of the accident and/or the accident results in any personal injury and/or a vehicle is required to be towed from the scene.
- D. Random testing of the CDL drivers/safety sensitive employees.
- E. The removal of employees from safety-sensitive duties following a positive drug test.
- F. Return to duty testing following a positive test for controlled substance.
- G. Treatment follow-up including unannounced testing at specific intervals during treatment and at the end of treatment.

Safety Sensitive Positions

Safety Sensitive Position: A position in which drug impairment would constitute an immediate and direct threat to public health or safety or a position in which a momentary lapse of attention could result in injury or death of another person. ***See current Beaufort County Salary Plan for listing of safety sensitive positions for Beaufort County.***

Inspections and Searches

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

Documentation

Each situation shall be documented as fully as possible, and witnesses will be utilized to the extent practical. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance, and a general discussion of the circumstances. Supervisory personnel must separate that employee from operating equipment or any other situation which may pose an immediate hazard. All referrals, documentation, and action relative to this policy shall be kept in strictest confidence.

Enforcement

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

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

Section 7. Personal/Professional Demeanor

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

Section 8. Dress Code

In an effort to maintain an excellent overall appearance at all times, each County employee is expected to present himself or herself in a professional manner and should consider their attire for appropriateness. While each employee can use reasonable judgment to determine what appropriate professional attire is, the Department Head or designee has the authority to deem dress or appearance unprofessional and can require the employee to immediately make changes in dress or appearance. Employees that consistently abuse the Dress Code Policy are subject to disciplinary action up to and including termination of his/her employment. Department Heads and Supervisors are encouraged to discuss overall expectations regarding appropriate work attire and assist employees in understanding what is not acceptable. Department Heads, upon receiving prior approval from the County Manager, may modify the above-referenced policy for an entire Department based upon valid reasons for specific situations.

Section 9. Solicitation

Beaufort County prohibits solicitation for the sale of goods or services by employees or others on premises owned or operated by the County. Staff are not allowed to solicit donations for the Department or program they represent or the County without the knowledge and approval of the respective Supervisor, Department Head and County Manager. All solicited funds or merchandise solicited on behalf of the County must be submitted to the County Finance Officer. No solicited funds are to be maintained outside the County's accounting system, and no County employee shall be coerced into purchasing sale goods.

Section 10. Prohibited Use of County Property

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

Section 11. Computer Use, Internet Access, and Social Media Policy

This policy sets forth the guidelines concerning acceptable computer use, Internet access and social media use by employees of Beaufort County. Inappropriate use exposes the County to risks including virus attacks, the compromise of network systems and services and legal issues. This policy applies to all employees, contract personnel or anyone utilizing Beaufort County computers and/or network systems and services and legal issues. This policy applies to all employees, contract personnel or anyone utilizing Beaufort County computers and/or network.

Computers and peripherals, email, Internet access and voicemail are provided to employees of Beaufort County to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, email can provide an excellent means of communicating with other employees, professional peers, citizens, and other businesses. Use of the Internet and email must be tempered with good judgment.

The Beaufort County computers and peripherals, email and voicemail are the property of Beaufort County. These resources have been provided for use in conducting County business. All communications and information transmitted by, received from, or stored in these systems are County records and property of Beaufort County. Employees have no right of personal privacy or any expectation of privacy in any matter stored in, created, received, or sent over these systems.

Employees should be aware that deletion of messages or files does not truly eliminate the messages from the system. All messages are stored on a central backup system in the normal course of data management and are accessible by Beaufort County at any time. Although Beaufort County does not make a practice of continuously monitoring these systems, the County may conduct random and requested audits and reserves the right to retrieve the contents for legitimate reasons, such as to find lost messages, to comply with investigations of wrongful acts, discovery proceedings in legal actions, to comply with requests as required under public records law or to recover from system failure. Use of Beaufort County computers and peripherals, email, Internet access, voicemail and networks constitutes consent to such monitoring and access.

Electronic mail or “email” is simply a method of communicating information and does not constitute a public record in and of itself. However, the information transmitted using email may become a public record, if it is information made or received in the transaction of public business by a state agency. If information transmitted by email meets the definition of “public record”, then it may not be deleted or otherwise disposed of except in accordance with a records retention schedule approved by the State Division of Archives and History. The content of the email message determines the retention requirement.

The individual to whom the message is addressed becomes the legal “custodian” once the message is received and is the person responsible for ensuring compliance with the Public Records Act. Beaufort County periodically backs up information residing on system hard drives as a safety measure in case of system failure or unlawful tampering.

Email Messages

Email messages generally fall into two categories. Some are limited or transitory value and may be deleted as soon as they no longer serve an administrative purpose. Email is also used to transmit records having lasting value. That type may include interpretations of agency policies or regulations that may be the only record of subject matter. Those records should not be maintained in email format but should be transferred to another medium and appropriately filed, therefore permitting email records to be purged at regular intervals.

While methods of reviewing, storing, or deleting email vary, compliance with the retention requirements of the Public Records Act may be accomplished by doing one of the following:

Print the email and store the hard copy in the relevant subject matter files as would be done

with any other hard copy communication. Printing the email permits maintenance of all the information on a subject matter in one central location, enhancing its historical and archival value. Electronically store the email in a file, a disk, or a server so that it may be maintained and stored according to its content definition under the unit's records retention policy.

Personal use of computers and peripherals, email, Internet access and voicemail by employees should not interfere with or conflict with business use. Personal use of County resources by an employee neither expresses nor implies sponsorship or endorsement by Beaufort County. Employees should exercise good judgment regarding the reasonableness of personal use. Employees should not permit the use of their computer by family members, consumers, or others.

Employees are responsible for maintaining the security of their accounts and their passwords. Passwords will be changed regularly when prompted by the system or when it is suspected that the password has been compromised. Employees who share their password are subject to disciplinary action up to and including dismissal.

Employees are responsible for purging email messages stored on the system according to public records requirements and imposed storage limits.

Beaufort County's policies against sexual or other harassment apply fully to the email system and voicemail system. Any violation of these policies is grounds for discipline up to and including termination. No email or voicemail messages should be created, sent, or forwarded that contains intimidating, hostile, or offensive material concerning race, religion, gender, age, national origin, disability, or any other classification protected by law. Anyone receiving inappropriate information should contact the Supervisor and/or Department Head immediately.

Employees are required to sign a Computer Use and Internet Access Policy Acknowledgement Form. The form is to be signed upon acceptance of an employment offer with Beaufort County.

Misuse of the systems can result in disciplinary action up to and including termination. Examples of misuse include the following: obscene, profane, or offensive material transmitted over any of the communication systems. This includes jokes, messages or forms that violate the Beaufort County harassment policy or create an intimidating or hostile work environment. Use of these systems to set up personal businesses or send chain letters is prohibited. Accessing copyrighted information in a way that violates the copyright is prohibited. Breaking into the system or unauthorized use of a password is prohibited. Broadcasting unsolicited personal views including those that are detrimental to the employer or social, political, religious, or other non-business-related matters is prohibited. Solicitation to buy or sell goods or services is prohibited.

Employee Use of Social Media

The County respects the right of employees to use social media as a medium of self-expressions on their personal time. However, employees are responsible for their public conduct in the use of social media even when they are not performing their job duties as employees of Beaufort County. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any public conduct. Further, employees remain subject to applicable state and federal laws, HIPAA and other Beaufort County policies and procedures even if communicating with others concerning personal and private matters.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's friends or members of the public who can access the employee's site and for Web links on the employee's site. Employees shall not use the Beaufort County logo or other confidential information of the County without express, written consent from the County Manager's Office. Employees shall not use Internet postings or social media to libel or defame the Board of County Commissioners, individual Commissioners, other County employees or members of the general public or any other group. Furthermore, employees shall not use Internet postings or social media to harass, bully or intimidate other employees, clients, vendors, or any members of the public. Employees shall not use Internet postings or social media to broadcast personal views that are derogatory or inflammatory based on their social, racial, political, or religious views or beliefs. All the actions described herein are grounds for disciplinary action, up to and including dismissal.

If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties or violates state, federal or other Beaufort County policies, the employee is subject to disciplinary action, up to and including termination.

Section 12. Confidentiality

No employee or official shall use or disclose information gained during employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member or any other private or political interest to the detriment of the County. No employee or official shall disclose confidential or privileged information concerning personnel matters, protected health information, property, contract negotiations, litigation related matters or other affairs of the County which are afforded protection under State law.

A violation of confidentiality may be grounds for immediate dismissal for reasons of unacceptable personal conduct.

Section 13. Risk Management

Any County employee having knowledge of or a reason to know of a potential issue which may become problematic or may result in some form of litigation for the County, must notify

their immediate Supervisor who in turn, shall notify the Department Head and Risk Manager. Such issues include, but are not limited to, reports or threats of litigation, and any other situation which may present a potential liability to the County. County employees shall not testify in court without a valid subpoena or court order, or as directed by the Department Head who will notify the Risk Manager.

Section 14. Employee Responsibility to Report Evidence of Fraud or Violation of Laws

It is the policy of Beaufort County that employees are required to report verbally or in writing to their immediate Supervisor, Department Head or Human Resources Director evidence of activity, with respect to Beaufort County operations, by another employee or private citizen constituting:

- A. A violation of State or Federal law, rule, or regulation.
- B. Fraud
- C. Misappropriation of Beaufort County resources
- D. Substantial and specific danger to the public health and safety; or
- E. Gross mismanagement, a gross waste of money or gross abuse of authority

Further, it is the policy of Beaufort County that no employee reporting evidence of such activity in good faith shall be retaliated against in any fashion for having done so.

Section 15. Americans With Disabilities Act

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

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

Protection

Under the ADA, a person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. To be protected under the ADA, an individual must have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. The Americans with Disabilities Act Amendments Act of 2008 broadens the application of the term “regarded as” which results in applicants and employees need only to demonstrate they were perceived by the employer as having an impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or walking. The Americans with Disabilities Act Amendments Act of 2008 expands the definition of “major life activities” where activities not formally recognized by the Equal Employment Opportunity Commission, EEOC, are now considered. Some of those activities include communicating, bending, reading, and major bodily functions such as the immune system, normal cell growth, digestive system, neurological and circulatory complications.

The Americans with Disabilities Act Amendments Act of 2008 also states that “mitigating measures” shall not be considered in assessing a disability. Medications, medical supplies, and equipment appliances cannot be used to determine whether the applicant or employee has a disability. The exception to this rule is regular eyeglasses or contacts. The Amendments Act of 2008 clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active such as cancer and migraines. EEOC and the court systems focus on how the applicant or employee was treated, whether the person was regarded as disabled, whether accommodations were evaluated or whether the person was discriminated against or harassed in some other capacity because of the condition.

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

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

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

Essential Functions

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

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

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

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

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

Reasonable Accommodations

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

- A. Acquiring or modifying equipment or devices,
- B. Job restructuring,
- C. Part-time or modified work schedules,
- D. Reassignment to a vacant position,
- E. Adjusting or modifying examinations, training materials or policies,

F. Providing readers and interpreters, and

G. Making the workplace readily accessible to and usable by people with disabilities.

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

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

Reasonable Accommodation Identification

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

Undue Hardship

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

If an accommodation would be an undue hardship, Department Heads and Supervisors must attempt to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, Department Heads and Supervisors must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. Department Heads and Supervisors must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

Medical Examination and Questions About an Individual's Disability

It is unlawful to:

A. Ask an applicant whether she/he is disabled or about the nature or severity of a disability, or

B. To require the applicant to take a medical examination before making a job offer.

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

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

The results of all medical examinations or information from inquiries about a disability must be kept confidential and maintained in separate medical files. Department Heads may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

Use of Illegal Drugs

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

ADA Enforcement and Remedies

The Equal Employment Opportunity Commission will enforce the provisions of the ADA, which prohibit job discrimination. Supervisors and Department Heads are accountable for enforcing the law and shall make every effort to avoid any discriminatory acts regarding individuals with disabilities.

Section 16. Age Discrimination Act

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meets the Act's requirements.

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

Section 17. Attendance Policy

Regular attendance is essential to Department operations. An employee is expected to be present and on time as scheduled. If an employee is going to be late or unable to work because of illness, the Supervisor should be notified before the start of the workday unless extenuating circumstances exist and then not later than 30 minutes after the beginning of a scheduled working day. Exceptions to this policy include employees of the Emergency Communications Department, Emergency Medical Services and the Sheriff's Department who are typically required to provide an earlier notification. The Department Heads in other County departments may determine the attendance policy requirements in their respective departments. Notification by another employee, friend or relative is not acceptable except in an emergency where the employee is physically unable to make the notification. Leaving messages is not considered satisfactory notice. Employees must speak with his/her Supervisor or with another appropriate contact within the proper chain of command. This provides an opportunity for the Supervisor to schedule a replacement or reschedule work, as necessary. Tardiness, excessive absences without leave or notice interferes with the Department and County objectives and may result in disciplinary action up to and including dismissal.

Section 18. Outside Employment Policy

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

County employees shall obtain advance approval for outside employment of any nature. Request for permission to engage in outside employment shall be submitted to the Department Head for approval, in writing, prior to engaging in or accepting work. The County Manager has final approval. All outside employment for salaries, wages or commissions must be reported to the employee's Department Head before work begins. Once the outside employment request is approved, the employee shall submit an annual

request to the Department Head for review and to ensure the outside employment does not cause any Department disruption. The assumption of outside employment without prior approval or the inability of the employee to perform the essential functions of his/her job may be deemed improper conduct and subject the employee to disciplinary action up to and including dismissal.

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

Section 19. Dual Employment Within the County

A County employee may not be simultaneously employed with more than one County agency or department unless special approval is received from the County Manager. This restriction is necessary due to the provisions of the Fair Labor Standards Act which would require overtime compensation for non-exempt employees for all time worked more than forty (40) hours in a workweek.

Section 20. Limitation of Employment of Relatives

To promote equal opportunity for employment for all qualified individuals, members of an immediate family shall not be employed within the same operational Department unit or section. This applies in situations where such employment will result in one family member supervising another member of his or her immediate family or where one member occupies a position which has influence over the other member's employment, promotion, salary administration or other related management or personnel considerations. Special considerations may be approved by the County Manager.

The term "*immediate family*" is defined as employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

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

The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with this policy prior to its adoption.

Section 21. Performance Appraisals

The performance appraisal is an opportunity to clarify the past and set a corrected course for the future. A performance appraisal shall be conducted at the end of an employee's probationary period and thereafter on an annual basis. Although employees and supervisors are strongly encouraged to practice daily communications, the performance appraisal gives both the employee and the supervisor an opportunity to communicate on a one-to-one basis to discuss aspects of the employee's performance and job expectations. All performance appraisals must be filed in the employee's personnel record.

Section 22. Safety

Beaufort County is committed to providing a safe and healthy workplace for all employees. The County complies with all applicable requirements issued by the federal and state Occupational Health and Safety Administration. All employees share the responsibility for the success of the safety and health program with the objective to reduce or eliminate injuries and illnesses. The County will exercise all precautions necessary to protect employees from accidents. Employees are expected to take an active role in promoting workplace safety. For more information on safety and health procedures, employees should contact the Department Head or the Risk Manager.

Employees shall follow the safety policies and procedures, attend safety training programs, and must immediately report all work-related injuries or occupational diseases to their Supervisor, Department Head and Risk Manager. Employees who violate such policies and procedures may be subject to disciplinary action up to and including dismissal.

Section 23. Tobacco Use Policy

Tobacco use is prohibited in any portion of any indoor facility owned or leased by the County and in any vehicle owned or leased by Beaufort County. Employees are prohibited from smoking in a personal vehicle while transporting clients and/or citizens within the County. No tobacco use is permitted within fifty (50) feet of all County building entrances and exits.

Section 24. Workplace Violence

It is the intent of Beaufort County to provide a workplace for employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by aiding and supporting to victims. This policy applies to all employees as well as contractors and visitors to County premises. Beaufort County recognizes that this does not act as a guarantor of the safety of employees and other persons in the workplace.

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

Intimidation is engaging in actions that include but are not limited to, stalking or behavior intended to frighten, coerce, or induce duress.

Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

Physical attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together, or dated.

Property damage is intentional damage to property and includes property owned by the County, employees, visitors, or vendors. Beaufort County is concerned about every individual's well-being and personal safety while on County property. Acts of violence and/or threats of violence, including any act of an assault nature, whether expressed or implied toward individuals, while on County property, are prohibited. Included are acts of violence, regardless of hours, when such conduct stems from County business or may affect County business, operations, reputation, or employees, regardless of the time or location.

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

- A. Immediately report the incident to someone in management. Provide as much information relating to the incident as possible. Incidents reported to management should be forwarded to the Sheriff, County Manager and Human Resources Director.
- B. Immediately report incidents that occur outside of business hours yet result in discretion or have a negative impact upon the operation of the agency during business hours.
- C. All reports regarding threats or acts of violence will be kept confidential. Employees are required to report such incidents without regard of fear of retribution. Failure to report such incidents may result in disciplinary action.

- D. Any employee initiating and/or participating in such conduct will be subject to disciplinary action, up to and including termination and/or a criminal complaint. In addition, any employee not terminated for such conduct may be required to submit a fitness for duty evaluation before returning to work to ensure he/she does not present a threat to persons and/or property. Any person who is not an employee, such as a contractor, vendor, or visitor, will be subject to removal from County property and/or a criminal complaint.

For informational purposes only, an employee who receives a protective/restraining order, which lists the County owned or leased property as a protected area, is required to provide the Human Resources Director a copy of the official document.

Weapons in the Workplace

Prohibited Weapon: For the purpose of this policy, a prohibited weapon includes any device or other implement designed principally, or which may be used, for the infliction of bodily injury or death, including without limitation any gun, firearm, or other device principally designed, made or adapted for shooting a projectile; ammunition, firecrackers, or any other explosive weapon, excluding a handgun or ammunition for which an individual possesses a valid permit (*See additional policy regarding the concealed carrying of a handgun by an employee – Article V, Section 31*). This policy does not apply to implements or devices, such as hand tools or kitchen implements which are designed and commonly used for a purpose other than the infliction of bodily injury and which have been brought onto County property and are being used there for an intended and lawful purpose.

The County prohibits any person entering Beaufort County property, including but not limited to employees, customers, vendors, visitors, or other persons, from possessing any prohibited weapon, except as shall be required for performance of a person's job duties and as specifically authorized by Beaufort County. The County prohibits the use, possession, or sale of any prohibited weapon on County property and the storage of any prohibited weapon in a desk, cabinet, vehicle, lunch box, bag, purse, or other repository owned or leased by the County. Any employee who has knowledge that any person has possession of a prohibited weapon on Beaufort County property should immediately report the fact to their Department Head or the Human Resources Director.

Section 25. Sexual Harassment Policy

Beaufort County is committed to providing all employees with a work environment that is free of sexual harassment and other unlawful harassment. Therefore, the County strictly prohibits all forms of sexual harassment, other unlawful harassment, or workplace violence in the employment relationship and in the employment context. Employees are prohibited from harassing other employees whether the incidents of harassment occur on County premises and whether the incidents occur during working hours.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which is explicitly or implicitly tied to a term or conditions of employment, which unreasonably interferes with an employee's performance on the job, or which creates an intimidating, hostile or offensive working environment. Sexual harassment can include, but is not limited to threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request; denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request; promising of job benefits in exchange for sexual favors; offensive or unwelcome physical contact or touching; sexual advances or offensive propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace. Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered by employees or prospective employees. Sexual harassment may include any conduct, whether between male/male, female/female, or male/female, of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

Section 26. Unlawful Workplace Harassment

No retaliation or other adverse action will be taken against an employee who makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee. In response to a charge of harassment, the County will take immediate action to investigate thoroughly all charges and to take appropriate remedial measures to end any harassment and to prevent any future harassment. Disciplinary action including, but not limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment.

No 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.

- A. Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, sex, color, religion, national origin, age, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

- B. Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all 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.

C. 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.

D. Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Any employee, who perceives harassment, must submit a written complaint containing specific information to their Department Head. Department Heads shall investigate; take appropriate corrective and remedial action and address in writing within 60 days of receiving the complaint.

In cases where the complainant is a General County Employee, the Department Head will report findings to the County Manager. If the complainant perceives the harassing behavior is provided by the Department Head, the complainant must report the incidents to the County Manager who will investigate. Findings may include disciplinary action up to and including dismissal.

In cases where the complainant is governed under the State Human Resource Act, any employee who alleges unlawful workplace harassment based on age, sex, race, color, national origin, religion, or handicapping conditions as defined by General Statute 168A-3 must submit a written complaint to the agency director within 30 calendar days of the alleged harassing action.

The agency director shall take appropriate remedial action within 60 calendar days from receipt of the written complaint and shall provide a written response to the employee when the agency has determined what action, if any, will result from the employee's written complaint.

After the agency's 60 calendar day response period has expired and the employee is not satisfied with the agency's response to the complaint, then he/she may appeal directly to the Office of Administrative Hearings within 30 calendar days.

Section 27. Bloodborne Pathogens Policy

Beaufort County has adopted plans and procedures to comply with all requisite provisions of the Occupational Exposure to Bloodborne Pathogens Standard issued by the U.S. Department of Labor's Occupational Safety and Health Administration, and the approved plan

requirements related which are promulgated by the North Carolina Department of Labor. BBP Plans are located within each applicable department.

Employees of the County who are occupationally exposed to blood or other potentially infectious materials as defined in the regulations are covered under provisions of this policy. The Risk Manager, EMS Director, Nursing Director, Local Health Director and Sheriff shall maintain a copy of the exposure control plan, addressing exposure determination, procedures for evaluating the circumstances surrounding an exposure incident and the schedule and methods for implementing compliance with the various sections of the standard. A designated officer should also be identified for each applicable department. The Risk Manager maintains a listing of exposure determination for all job classifications, grouped into two exposure groups. The first group includes classifications in which all classifications have occupational exposure and the second includes classifications where some employees have occupational exposure associated with specific listed tasks.

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

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

The Hepatitis B vaccine and vaccination series is offered within 10 days of initial assignment to employees who have occupational exposure to blood or other potentially infectious materials unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing reveals that the employee is immune or medical reasons prevent the employee from receiving the Hepatitis B vaccination series. A consent or decline form has been created and can be found in the Beaufort County BBP Exposure Control Plan.

All employees with occupational exposure are provided personal protective equipment and complete records are maintained for all employees concerning occupational exposure, as prescribed by the Standard.

Any employee determined to be occupationally exposed who declines to accept Hepatitis B vaccination must sign a declination statement and release of liability after appropriate prescribed training regarding Hepatitis B, Hepatitis B vaccination, the effectiveness, safety, method of administration, benefits of Hepatitis B vaccination, and that the vaccine and vaccination are provided free of charge. Any employee, who declines vaccination, executes a declination and release of liability thereafter, and who remains occupationally at risk can request vaccination at a later date. If subsequently requested, the same provisions will apply

with respect to receipt of services at no cost to the employee. If at any time, an employee is exposed to hepatitis and an incident occurs which may place an employee at risk, an Incident Report must be completed and forwarded immediately to the Risk Manager or Department Head.

Section 28. Motor Vehicle Policy

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

I. Policy:

A valid driver's license for the type and class of vehicle to be driven shall be required for all employees operating county vehicles, and employees operating privately owned vehicles on county business. Employees also are enrolled into the North Carolina Transit Notification System upon hire. The NCTNS notifies the County when employees receive citations, North Carolina Driver's license are revoked and /or suspended.

County employees shall comply with the Vehicle Safety Program rules outlined in this procedure while operating a county vehicle.

- A. Employees working in certain job classifications may be required to have a Commercial Driver's License (CDL) to operate designated vehicles and/or equipment. Successful job applicants, which may include current employees that are promoted or re-assigned to positions requiring a CDL, shall comply with one of the following:
 - B. Have a current CDL at time of employment, promotion, or reassignment.
 - C. Or within 90 days of hiring, promotion, or re-assignment, obtain a CDL as a condition of continued employment.
 - D. Employees working in positions that require a CDL and/or safety sensitive positions shall be randomly drug tested. *See Section 6, Alcohol and Drug Free Workplace, Additional Standards.*

II. Vehicle Safety Program Rules:

- A. The purpose of the vehicle safety program rules is to ensure all employees driving county vehicles or personal vehicles on county business shall drive in a courteous manner observing the following vehicle safety program rules and regulations:

- B. Employees shall remain knowledgeable and comply with all Federal, State and County motor vehicle laws and regulations:
- C. Employees shall practice effective defensive driving techniques. Employees shall exercise special precautions when children, joggers or pedestrians are in the roadway, driving during inclement weather or when negotiating around heavy equipment. Employee should complete defensive driving training upon employment, after each vehicle accident, near miss, damage to property and/or every 3 years.
- D. The driver and all occupants shall wear seat belts as required by law.
- E. No person other than employees or appropriate persons engaged in business with the County and approved by the Department Head or designee shall ride in a county vehicle.
- F. County vehicles shall be used for work related duties only.
- G. Employees that are assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle unless a specific individual is designated within the Department. All mechanical problems shall be reported to the supervisor immediately.
- H. Only County issued equipment needed to perform the specific work function may be stored in a vehicle. No additional equipment or personal items will be carried or stored unless the supervisor grants permission.
- I. Unsecured items shall not be placed on the dash of a vehicle. Tools, equipment, and materials carried in the truck bed shall be secured by using rails and tailgate. Cargo transported on trailers shall have at least one tie down for each 10 feet of cargo. Sufficient tie downs shall be required to ensure the safety of transported materials.
- J. Vehicle shall not be left unattended while the engine is running. If it is necessary to leave the vehicle running while it is unattended, the transmission shall be placed in Park and the parking brake activated.
- K. When parking, attempt to “pull through” parking spaces to avoid having to back out when leaving. When having to back up, employee will do a 360 degree walk around vehicle to identify any potential hazards prior to entering the vehicle.
- L. Except under extreme emergencies, keys shall be removed from the ignition and the doors locked on an unattended vehicle.
- M. Drivers of assigned vehicles should visually examine the vehicle at the beginning and end of their shift/day. Areas to inspect include: any physical damage, functioning signals and lights, and tire inflation.

- . Employees shall not alter or tamper with vehicle safety features.
 - N. Gas cards issued to county vehicles are to only be used in providing gas to the specific vehicle. The odometer reading should be entered when filling and the fueling locations supporting the card utilized.
- III. Personal Use of County Vehicles
- A. No employee may use the vehicle assigned for personal business. County owned vehicles shall be used for official business with reasonable consideration for use of meals, etc. while during performing business on behalf of the County.
 - B. When a vehicle is not being used for county business purposes, it is to be kept on county premises or designated area determined by Department Head.
 - C. No county vehicle will be driven to an employee's home unless the employee is subject to frequent/emergency duty after normal working hours. Exception may be taken, if an employee is leaving early the following morning for travel on county business. Department Heads have the decision-making authority regarding approvals for employees to drive a County vehicle to his/her place of residence.

IV. Driving Record Standard for Applicants

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

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

- C. When an applicant has been recommended for a position requiring a valid driver license, Human Resources Department or the hiring department will complete a “driver’s license record check”.
- D. All County employees required to drive their personal vehicles while conducting County business, must maintain sufficient insurance and must always be able to show proof of such insurance.

V. Driving Record Standards for Current Employees

The purpose of this policy is to establish minimum driving standards which must be met for all classifications requiring a valid driver’s license. Reviews of valid driver’s licenses may be conducted at regular and unannounced intervals. Employees also are enrolled into the North Carolina Transit Notification System upon hire. The NCTNS notifies the County when employees receive citations, NCCDL are revoked and/or suspended.

- A. The Risk Manager will review the driving record of all Beaufort County employees.
- B. When an employee’s overall driving record reveals a pattern of convictions for traffic offenses and the employee’s capacity to safely operate a county vehicle or heavy piece of equipment is questionable, the County shall reserve the right to approve or disapprove the continued operation of a vehicle or heavy piece of equipment by the employee based upon their overall driving record.
- C. Any employee in a position requiring a valid driver’s license is subject to disciplinary action up to and including dismissal for violations in accordance with Standard Procedures. Any employee who has their driver’s license suspended or revoked shall not operate a county vehicle and shall immediately report such suspension or revocation to their supervisor.

VI. Vehicle Accident Reporting

The purpose of the vehicle accident reporting is to establish a standard procedure to report vehicle accidents involving County vehicles. In the event of an accident involving a County vehicle, the following procedure shall apply:

- A. Notify law enforcement officials and supervisor immediately. The vehicle should not be moved until law enforcement arrives, unless necessary for safety reasons.
- B. Offer no information at the scene regarding the responsibility of the accident. Present insurance information to the responding officer. Under no circumstance, should the employee, Supervisor and/or Department Head advise the third party of

insurance coverage or actions taken by County officials. Any related questions or problems shall be referred to the Risk Manager.

C. Complete a Supervisor's Investigation Report for Vehicle Accidents which describes the accident. The reporting law enforcement officer will complete an in-depth report. Inquire from the officer where and when a copy of the report may be obtained. Pictures of accident area and property damage should be taken. An estimate of damages should also be obtained and forward to the Risk Manager.

D. An employee shall submit to a drug test following an on-the-job accident or other occurrence that involves one or more of the following events: a fatality, a serious injury to an employee or other individual, damage to vehicles or other property, or if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. An employee may also be tested after a series of minor on-the-job accidents or injuries as determined by the Department Head. See Section 6, Alcohol and Drug Free Workplace.

The employee's report shall be forwarded to the Risk Manager's Office the day of the accident. Ensure that the law enforcement report is picked up upon availability and forward to the Risk Manager's Office.

Section 29. Travel Expense and Reimbursement

It is the intent of this policy to provide County departments and agencies a comprehensive reference for uniform interpretation of policies governing payment or reimbursement for travel, subsistence and lodging expenses that are incurred while conducting official Beaufort County business. Travel to and from the normal job location to a site other than the normal job location to conduct County business is covered under this policy. Use of a personal vehicle in commuting from an employee's home to his/her duty station is not reimbursable and does not fall under the guidelines of this policy.

Employee Responsibility

An employee traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations and services unnecessary or unjustified in the performance of official County business are not acceptable under this standard. Employees will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Willful violations of this policy may result in disciplinary actions up to and including termination of employment.

Travel Authorization

Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party who may be the County Manager, Department Head or assigned Department Designee. All reimbursement of travel is contingent upon the availability of funds. The Department Head or designee will be responsible for ensuring funds are budgeted within the Department and available in the expenditure line to cover the estimated cost of travel prior to approving travel requests.

Eligible Expenses

An expense is eligible for reimbursement if it was incurred during the employee's discharge of his/her official County business and is reasonable.

Reimbursable Expenses

- A. Meals are reimbursed through the per diem rate. The per diem is approved when an employee is outside the office during normal meal hours for overnight travel or conducting an official meeting within the normal meal hours. Reimbursable meals for employees are for the employer's convenience because duties prevented the employee from obtaining a meal during his/her working hours.
- B. Mileage to and from conferences, meetings, etc. and other transportation costs as required. At the direction of the Department Head, the employee will be reimbursed at the current mileage rate for use of personally owned vehicles. Employees will be reimbursed at the current IRS mileage rate. Employees are encouraged to take a County owned vehicle when available.
- C. Out-of-state travel. All out-of-state travel must be approved in advance by the Department Head and County Manager. The request for out-of-state travel must include the location of the proposed travel, length of travel, total approximate costs to the County and reason for the travel. If the specific out-of-state trip was listed in the approved budget document in detail, then only notification to the Department Head before the trip is incurred is required.
- D. Overnight accommodations. The cost of overnight hotel or motel accommodations will be paid upon approval by a Department Head. Eligible expenses include the lodging charge and tax only and should be based on the single overnight rate.
- E. Registration Fees. Registration fees may be paid in advance by employees and reimbursed by the County or be billed to the County by invoice. Registration fees must be supported by adequate documentation of expense.

- F. Parking fees, tolls, and other fees. Parking fees, tolls, and other fees while on County business will be reimbursed based on actual charges.
- G. Documentation of conferences, meetings or other educational opportunities must be attached to the travel forms. Conference registration forms and agendas provide the best documentation.

Non-Reimbursable Expenses

- A. Nothing shall be charged, paid, or reimbursed for travel between an employee’s home and the regularly scheduled worksite. The Internal Revenue Service considers this type of travel to be commuting.
- B. Nothing shall be charged, paid, or reimbursed for tobacco products, alcoholic beverages, clothing, medicine, personal care items, personal telephone calls, traffic violations or parking tickets.
- C. Nothing shall be charged, paid, or reimbursed for movies, recreational fees or travel between the conference site and recreational side trips. The employee should pay fees for hotel room movies at the time of checkout.
- D. Nothing shall be reimbursed for costs incurred for family members or guests.
- E. No reimbursement for meals within Beaufort County.
- F. These lists of reimbursable and non-reimbursable expenses are not considered all-inclusive.

Meals

Receipts are required for reimbursement of meals. Departure and return times must be recorded on the travel reimbursement form. Event agenda should be included with requests. Tips and taxes are included in the per diem rates. A reasonable tip would be one that a prudent person would give if traveling or conducting personal business and expending personal funds.

Per Diem – Meals and Lodging

	In State	Out of State
Breakfast	\$ 8.40	\$ 8.40
Lunch	\$ 11.00	\$ 11.00
Dinner	\$ 18.90	\$ 21.60
Lodging	\$ 71.20	\$ 84.10
Total	\$109.50	\$109.50

If a full meal is included in lodging or in the conference registration, per diem rates will not be reimbursed for those meals.

Employees may receive allowances for meals for partial day travel out-of-County according to the following schedule when the partial day is the day of departure or the day of return. Time of departure and arrival must be listed on the reimbursement request.

Breakfast – depart prior to 7:00 am

Lunch – depart prior to 11:00 am (day of departure) or return after 2:00 pm (day of return)

Dinner – depart prior to 5:00 pm (day of departure) or return after 7:00 pm (day of return)

Mileage for Personal Vehicles

For the use of an employee's personal vehicle, reimbursement will be paid for round-trip mileage, plus mileage while at the job site, at the current rate approved by the Federal IRS Rate per mile. Reimbursable mileage is based on actual odometer readings.

The employee is expected to accurately record the miles of each trip and disclose it on the Employee Travel Form. Requests for reimbursements must be accounted for within the fiscal year.

Rental Vehicles

Rental vehicles are to be used only when it is economically advantageous to the County. Use of a rental vehicle must be approved in advance by the Department Head and original receipts are necessary for reimbursement.

Commercial Airlines

Reimbursement shall be based on coach fare unless such accommodations are not available. Penalties and charge resulting from the cancellation of airline reservation shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made for the convenience of the County. If the cancellation or charge is made for employee's personal benefit, it shall be the employee's obligation to pay the penalties and charges. In the event of accidents, serious illness, death within the employee's immediate family or other critical circumstances beyond the control of the employee, the County will pay the penalties and charges. Employee is allowed reimbursement for a checked bag if the airline has minimum charge (documentation required by airline for first bag charge for reimbursement). Any additional bag charges or overweight charge for bags will be employees' responsibility. Employee is responsible for providing

their Supervisor or Department Head with quotes or the cost of the airfare prior to booking the trip.

Commuting Following Airline Travel

Employees traveling to and from the airline terminal upon reaching destination may utilize methods listed below:

Airport shuttle – one round-trip for shuttle fare

Taxi – actual fare from and to airline terminal

Rental vehicles – may be used only if excessive road travel is required.

Or other public transportation

The actual cost of fares is reimbursable when required for travel on official County business. Receipts are necessary for reimbursement.

Overnight Accommodations

Actual lodging expenses will be paid if the employee is required to stay overnight. The employee must provide a receipt supporting the charges. Entertainment expenses incurred, including in room movie charges, in room convenience items, during overnight stay will not be reimbursed. Charges for hotel internet access will be reimbursed with proper documentation.

No local calls will be reimbursed unless they are business associated. Business numbers called must be identified on reimbursement or lodging receipt. Employees are allowed to charge one long distance phone safe arrival call per trip. Official telephone calls are reimbursable under “other expenses”. Individual calls must be identified as to point of origin and destination.

Parking fees, tolls, and other fees. Reimbursement for parking fees, tolls, and other fees while at the business site will be paid based on actual charges. The employee should retain receipts and attach them to the travel reimbursement form.

Reimbursable gratuity or tips must be considered reasonable for items that are not already covered under subsistence. Excessive tips will not be reimbursed. A reasonable tip would be one that a prudent person would give if traveling or conducting personal business and expending personal funds.

Other Travel Information

Non-County Individuals’ Travel/Meals

The payment of non-County individuals’ travel/meals is allowed only when the Department Head is conducting official County business during normal meal hours and the meal becomes a reasonable function of the process.

Other Situations

The Beaufort County Finance Office will review and determine that all reimbursement requirements are properly addressed. If errors are identified, the Department Head will be notified and will communicate with the County Finance Officer. The Finance Officer will also verify that sufficient unexpended appropriations are available.

Failure to Comply.

Failure to comply may result in disciplinary action and/or personal liability for expenses incurred. Any falsification of documents may result in disciplinary action up to and including dismissal.

Accounting for Travel Time

Based on the Fair Labor Standards Act, normal travel from home-to-work is not work time.

Time spent by an employee in travel, as part of his/her principal activity, such as travel from job site to job site during the workday, shall be counted as hours worked.

Time spent by an employee in authorized travel to training, conferences, meetings, etc. out of the County, shall be counted as work time. The only travel time not counted as work time is when all the following conditions are met: (1) travel is overnight, (2) travel is outside of regular working hours, (3) travel is on a common carrier, and (4) no work is being done.

Any work which an employee is required to perform while traveling shall be counted as hours worked.

Travel time counted as hours worked should be recorded beginning and ending at the employee's regular duty station or home, whichever is closer to the travel destination.

Section 31 Concealed Handgun Policy.

Purpose

To establish a policy which allows carrying a concealed handgun within the confines of employment at the County of Beaufort.

Scope

This policy is applicable to all individuals covered by Article I, Section 3 of the Beaufort County Personnel Policy.

Policy Statement

Employees are permitted to carry a concealed handgun in compliance with North Carolina laws. The policy clarifies application of the law for employees and supervisors to ensure understanding of the right to have a concealed handgun in the workplace.

Policy Requirements

General Provisions

The County of Beaufort permits the carrying of a concealed handgun and takes no measure to (a) prohibit any County employee from carrying a concealed handgun in the course of employment if the employee holds a valid concealed handgun permit (CHP) issued in accordance with NC General Statutes, OR (b) to prohibit the carrying of a concealed handgun in the course of employment by an employee who is a resident of another state, and who holds a valid CHP from that employee's state of residence, if the State of North Carolina has granted reciprocity to permit holders of that employee's state of residence.

1. Any County employee exercising their right to carry a concealed handgun at work must make prior notification to his/her supervisor of their intent to carry a concealed handgun at work and provide a copy of the concealed handgun permit to their supervisor. The supervisor shall inform the County Manager in writing by the next working day of such notification by the employee and provide a copy of the concealed handgun permit to the County Manager. The concealed handgun permit provided shall be made part of the employee's personnel file and shall remain confidential.
2. Employees who hold a valid CHP may carry a concealed handgun while operating a vehicle owned by the County of Beaufort. (Note exception for NCOEMS permitted vehicles)
3. Nothing in this policy shall be interpreted or applied as waiving the right of the County of Beaufort under NCGS 14-409.40(e) to regulate or prohibit any individual employee from carrying a concealed handgun in the course of employment, whether permanently or temporarily, whether for cause or for any non-discriminatory reason.
4. A decision by an employee to carry a concealed handgun during the course of employment is solely a choice by the employee to exercise the employee's individual right to bear arms. Nothing in this policy shall be interpreted or applied as a directive or authorization to any employee to carry or use a handgun in the scope of the employee's employment.

Prohibited Areas

The general provisions section of this policy does not allow an employee who holds a valid CHP to carry a concealed handgun in any building or area where doing so is prohibited by the laws of the State of North Carolina or the United States of America. Employees are solely responsible for knowing, understanding, and following any and all such laws. No employee shall carry a concealed handgun in the course of employment in any private vehicle or on private property owned or leased by another person over the objections of the owner or leasee. An employee may not open carry, that is, may not carry said handgun openly and not in compliance with this policy.

Storage of Concealed Handguns

It is always the sole responsibility of the employee to maintain strict control of the employee's concealed handgun and ammunition (if any).

1. An employee who chooses to carry a concealed handgun during the course of employment shall have the handgun concealed and on the employee's person, carried in a holster or other appropriate carrying device, at all times, unless lawfully using the handgun. A purse, handbag or other similar item is not considered on the employee's person.
2. An employee who temporarily stores a concealed handgun in a vehicle owned by the County of Beaufort during the course of employment must store the handgun in a locked case that is owned by the employee (not the glovebox or other vehicle console) and place the case out of plain view from the exterior of the vehicle. The vehicle must also be locked. No storage shall occur overnight or outside of regular work hours.
3. An employee who stores a concealed handgun in a vehicle owned by the employee (or any other person with the consent of the owner) in a parking lot owned or controlled by the County of Beaufort during the course of employment must place the handgun out of plain view from the exterior of the vehicle.
4. The County of Beaufort assumes no responsibility for an employee's loss of handgun and the employee specifically waives any and all actions against the County of Beaufort for any such loss.

Threatening or Violent Behavior in the Workplace

The mere act of carrying a concealed handgun shall not be construed as a violent, threatening, or intimidating act on the part of the employee. Nothing in this policy shall be construed to support or permit violence, threatening, or intimidating behaviors related to the possession of a concealed handgun. Threatening and/or intimidating behaviors may include, but are not limited to, intentionally displaying a concealed handgun to any person, referring to the concealed handgun, or referring to a handgun not on the employee's person, with the intent to implicitly or explicitly threaten and/or intimidate another person. Any such actions will be addressed through the County of Beaufort's Personnel Policy and may result in disciplinary action up to and including dismissal from employment. The County of Beaufort further reserves the right to refer any such actions to the appropriate law enforcement agency for investigation and action.

ARTICLE VI

HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Paid Holidays Observed

All eligible employees normally scheduled to work on a State of North Carolina approved holiday and who qualifies for retirement benefits (who works 1000 hours annually) shall receive their regular pay for observed holidays. Temporary full-time or temporary part-time temporary employees are not eligible for holidays. Part-time employees working at least 1000 hours annually are eligible. Holiday time will be prorated based on the hours in an employee's work schedule for eligible employees working more or less than 2080 hours annually.

Beaufort County follows the holiday schedule as published by the State of North Carolina each year. The schedule for the calendar year will be published by December 1 of the previous year for proper notification to County employees. Holidays typically observed by the State of North Carolina are as follows:

New Year's Day
Martin Luther King, Jr.'s Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day and Thanksgiving Friday
Christmas Day, three days, according to the following schedule:

When Christmas Falls On:	County Holidays
Sunday	Friday, Monday, Tuesday
Monday	Friday, Monday, Tuesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Thursday, Friday, Monday
Saturday	Friday, Monday, Tuesday

Eligibility for Holidays

An employee *is* eligible for a holiday when the employee is:

- A. In pay status for one-half or more of the workdays and holidays in the month when a short leave without pay is involved
- B. If a holiday falls at the first of a month and the employee begins work on the first available workday
- C. If the holiday falls at the end of the month and the employee is in pay status through the last available workday

An employee is *not* eligible for a holiday when:

- A. The holiday occurs before the beginning date of employment.
- B. After the last day of work when an employee separates or goes on extended leave without pay

Regular holidays that occur during an employee's use of annual, sick, or other paid leave periods shall not be charged as annual, sick, or other paid leave. This includes employees who are exhausting annual or sick leave during the Family Medical Leave period. Employees who work shifts and are regularly scheduled on holidays are exempt from the above rule.

Section 2. Religious Observances

Employees who wish to use leave for religious observances must request leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the County.

Section 3. Holidays – Unpaid Leave

Employees on any form of unpaid leave will not be compensated for holidays occurring during that leave. An employee separating from County employment is not entitled to any scheduled holiday occurring after the last day of work, except when the last day of the month is a holiday and the employee is in pay status through the last available workday. The last day of work is defined as the last day physically on the job.

Section 4. Holidays – When Work Required

Beaufort County provides continuous twenty-four hours a day, seven days a week, service to its citizens. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night, including holidays. Holiday premium pay is a benefit provided to eligible employees who are instructed by their supervisors or are needed

in an emergency situation to work on a holiday. *See Section IV, Section 17 - Compensation When Work Required on a Holiday.*

Section 5. Adverse Weather Conditions

Adverse Weather leave is a County benefit allowing certain employees to remain at home during times when County Offices are officially closed due to inclement weather without charging out personal leave. Adverse weather leave is **not** intended for the purpose of extending the hours of an employee's regular work schedule.

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

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

All Departments and Offices will be given sufficient advance notice of any authorized early closing. Employees who leave work before an official early closing time, as well as those employees who report for work late, or do not report for work at all, will be required to use annual leave for days or hours taken. Department Heads may approve specific make-up time for employees who elect to make up time lost due to weather conditions as long as the time can be made up within the same work week. Employees on sick or annual leave will not be charged for that leave time for any hours that offices are closed for inclement weather.

Mandatory Operations

Certain employees work in positions that are critical to providing support services to the citizens of the County, regardless of the weather conditions and whether or not the County Departments and Offices are operating. Department Heads designate these essential positions, with approval from the County Manager. Certain Departments, such as the Emergency Medical Services, Emergency Management Services, Communications Services, and the Sheriff's Office are always essential to the operations of the County; others may be based on the needs at the particular time.

Section 6. Annual Leave

The primary purpose of paid annual leave is to allow every employee to renew his or her physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose. Annual leave is credited to employees who are in pay status, working, on paid leave for one-half or more of the regularly scheduled workdays and holidays in the month in accordance with the provisions outlined below.

For the purpose of earning and accruing annual leave, the period of twelve calendar months between January 1 and December 31 is established as the leave year.

Each full-time career status, permanent, probationary or trainee employee occupying an officially budgeted position, who qualifies for retirement benefits, shall earn annual leave on a monthly basis, in accordance with the following schedules:

Rate of Accumulation for employees working more than 2080 hours a year before overtime:

YEARS OF COUNTY SERVICE	HOURS ACCRUED MONTHLY	HOURS ACCRUED ANNUALLY	DAYS ACCRUED ANNUALLY
Less than 5 years	9.33 hrs.	112	14
5 but less than 10 years	11.33 hrs.	136	17
10 but less than 15 years	13.33 hrs.	160	20
15 but less than 20 years	15.33 hrs.	184	23
20 years or more	17.33 hrs.	208	26

Annual leave time will be prorated based on the hours in an employee’s work schedule for eligible employees working more than 2080 hours a year. For employees working less than 2080 hours per year, see *Section 8, Leave Pro-rated for Part-Time Employees*.

Rate of Accumulation for employees working 2184 hours per year, 24 hour shifts and 12-hour shifts:

YEARS OF COUNTY SERVICE	HOURS ACCRUED MONTHLY	HOURS ACCRUED ANNUALLY	24 HR. DAYS ACCRUED ANNUALLY	12 HR. DAYS ACCRUED ANNUALLY
Less than 5 years	9.79 hrs.	118	5	10
5 but less than 10 years	11.89 hrs.	143	6	12
10 but less than 15 years	13.99 hrs.	168	7	14
15 but less than 20 years	16.09 hrs.	194	8	16
20 years or more	18.19 hrs.	218	9	18

- A. A regular Beaufort County employee who separates in good standing, previously employed with Beaufort County, returning to Beaufort County employment within a five-year period, shall accrue annual leave at a rate including the previous years of service.
- B. Any new employee, regardless of service time with another county or state agency, shall begin accumulation of annual leave hours in Beaufort County based on the rate of 9.33 hours for a 40-hour employee or the minimum amount of leave for the total amount of years of service, prorated as required except under special conditions as approved by the County Manager.
- C. Any employee transferring from one Department to another within Beaufort County will continue to earn annual leave at the rate associated with their service years in Beaufort County as long as there is no break in service.
- D. Annual leave will be credited to each employee at the end of each month during which leave is earned. Annual leave may not be taken until it has been earned and credited to the employee's account.
- E. Annual leave shall not be advanced to employees.
- F. Annual leave earned by an employee shall be taken only upon prior approval of the employee's supervisor.
- G. An annual leave request of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift.
- H. Annual leave may be charged in 15-minute (.25 of an hour) increments.
- I. When annual leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head and the approval of the County Manager.
- J. Holidays or regularly scheduled days off which occur during a period of annual leave shall not be charged as annual leave.
- K. An employee separating from County service may not use annual leave after the last day of actual work unless they are retiring or eligible for disability retirement.
- L. Beaufort County will accept up to ten (10) days or 80 hours of annual leave, prorated for part-time employee, when a new employee transfers from a North Carolina government agency and/or entity who participates in the North Carolina Local Governmental Employee's Retirement System, the North Carolina Employees' and Teachers' Retirement System and any others approved by the North Carolina State

Retirement System, without a 31-day break in service. Written documentation from the previous employer of the availability of the leave and dates of employment are required.

Other Uses of Annual Leave:

1. Annual leave may be used for medical appointments.
2. Annual leave may be used in lieu of sick leave.
3. Annual leave may be used for absences as a result of adverse weather conditions.
4. Annual leave may be used for illnesses in the immediate family in lieu of sick leave.

Effect of Annual Leave on Anniversary Dates

Annual leave with pay will have no effect on the increment anniversary date; however, leave without pay will delay an employee's increment anniversary date one month for each month he/she is on leave without pay for more than half the workdays in that month, the only exceptions include military leave and workers' compensation.

Maximum Accumulation

Annual leave may be accumulated without any applicable maximum until December 31st of each year. If the employee separates from service, payment for accumulated annual leave shall be for all annual leave accumulated to the date of separation. On December 31st, any employee having accrued annual leave in excess of 30 days or 240 hours shall have this excess accumulated annual leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes only. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement subject to and in accordance with the provisions of the North Carolina Local Government Employees' Retirement System.

Employees are cautioned not to retain excess annual leave until late in the calendar year due to the necessity to keep County functions operating. Large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulated during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving exception to the maximum accumulation and carry-forward allowance. Employees may not receive pay for excess annual leave.

Payment Upon Separation

An employee, who separates from County service and upon returning all County property issued to that employee, shall be paid for annual leave accumulated to the date of separation. Payment will be made in a lump sum. When an employee is involuntarily separated from employment under egregious circumstances, accumulated annual leave payment may be withheld.

Employees must provide at least a two-week notice to the supervisor and/or Department Head. Any employee failing to provide the notice may forfeit payment for accumulated annual leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.

At the request of the employee, unused accumulated annual leave may be transferred from Beaufort County to another state or local government entity if the unit to which the transfer is being made will accept the leave. Verification must be received from the new employer indicating that transferred leave will be accepted.

Employees retiring on Disability Retirement may exhaust annual leave prior to entering Disability Retirement in lieu of being paid a lump sum upon Department Head approval.

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated annual leave.

Scheduling of Annual Leave

Annual leave shall be granted in accordance with this policy and as approved by the Department Head and at such time or times when such leave will least interfere with the efficient operation of the County business. Annual leave will not ordinarily be granted when the employment of temporary assistance will be necessary during the absence of the permanent or career status employee. Employees should advise Department Heads and/or Supervisors as early as possible with requests to use annual leave. Leave forms shall be completed and used as documentation of annual leave.

Every effort will be made to accommodate requests for annual leave. Requests may be disapproved because of workload or staffing levels. All requests are approved or disapproved by the Department Head.

Transferring Annual Leave

When a local employee transfers from one approved transferring agency to a State Agency, annual leave, not to exceed 30 days or 240 hours, or any portion of unused leave may be transferred to the accepting agency. If an employee requests such and is paid for unused

annual leave at the time of transfer to a local agency, this will not preclude consideration for transferring sick leave.

Section 7. Sick Leave

Sick leave with pay is *not* a right that an employee may demand, but a privilege granted by the Board of County Commissioners for the benefit of an employee when appropriate.

Each full-time career status, permanent, probationary or trainee employee occupying an officially budgeted position, who qualifies for retirement benefits, shall earn sick leave on a monthly basis.

Full-time employees working 2080 hours annually, 8 hours per day, earn at a rate of one (1) day or 8 hours for each month worked, or twelve (12) days each calendar year.

Full-time employees working 2184 hours annually.

If the employee is in pay status for one-half or more of the regularly scheduled workdays and holidays in the month, sick leave is earned for that month.

Eligible part-time employees will earn sick leave on a pro-rata basis.

Sick leave time will be prorated based on the hours in an employee's work schedule for eligible employees working more or less than 40 hours per week. *See Section 8, Leave Pro-Rated.*

Sick leave may be granted for:

- A. The employee's own, or parent, spouse, dependent child, guardian, brother, sister, grandchild, grandparent as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those named, scheduled medical procedure, medical appointment, dental appointment, sickness, or bodily injury.
- B. An employee's actual period of temporary disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and a reasonable time for recovery.
- C. Death in the employee's immediate family, not to exceed four (4) days for any one occurrence. Immediate family, for this purpose, is defined as spouse, parents, guardian, brother, sister, son, daughter, grandchild, grandparent, as well as the various combinations of half, step, in-law and adopted relationships that can be derived from those named. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.

- D. Death of other family member, not to exceed two (2) days for any one occurrence. Other family is defined as nieces, nephews, aunts, and uncles including step, in-law and adopted relationships.
- E. Death of a non-family member, not to exceed four (4) hours for any one occurrence.
- F. Quarantine or exposure to a contagious disease when continuing to work might jeopardize the health of others.

Notification of the desire to take sick leave should be submitted to the employee's Supervisor prior to the beginning of shift or workday, if possible, but no later than 30 minutes after the workday begins. In the event of onset of illness that precludes in-person notification of the Supervisor, the employee is responsible for notifying their Supervisor or Department Head by telephone. It will be unacceptable to leave a message. When both Supervisor and Department Head are unavailable, another Supervisor may be contacted. Notification by another employee, friend or relative is not acceptable except in an emergency situation where the employee is physically unable to make the notification.

Sick leave may be taken in units of 15-minute (.25 of hour) increments.

Annual leave may be used to supplement sick leave. When all leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head with the approval of the County Manager.

Maximum Accumulation of Sick Leave

Sick leave may be accumulated in unlimited amounts.

Sick Leave Transfer

Unused sick leave earned from another North Carolina government agency by an employee who participates in the North Carolina Local Governmental Employees' Retirement System, the North Carolina Employees' and Teachers' Retirement System and any others approved by the North Carolina State Retirement System will be accepted and transferred to the County as follows:

- A. Verification of accumulated sick leave must be received in writing from the previous employer.
- B. Verification may be received in days or hours.
- C. Any break-in-service will not exceed 31 calendar days.
- D. The total number of days accepted will be added to the employee's record at the time of employment with Beaufort County.

Verification of Sick Leave Use

The Department Head may require a statement from the employee's physician indicating that the employee was unable to report for work so that there will be no abuse of sick leave privileges. Statements may also be required for absences in excess of three (3) consecutive scheduled workdays. In that event, an employee may also be required to have his or her physician complete an FMLA leave request, as such leave will be designated by the County as FMLA leave, if appropriate. At the expiration of an authorized sick leave, the employee's Department Head may require a physician's statement confirming that the employee is able to resume his or her normal work activities.

Separation and Retirement Credit

All unused sick leave is lost upon separation of employment except when separation is due to retirement, or the employee returns to Beaufort County employment within five years.

At the time of retirement, employees who are members of the North Carolina Local Government Employees' Retirement System are allowed one (1) month of retirement credit for each twenty (20) days of accrued sick leave. One additional month is credited for any remaining portion left after granting one month for every twenty days. There is no maximum number of days that may be credited.

At the time of separation, any sick leave owed the County shall be deducted from the employee's final compensation. Abuse of sick leave may result in disciplinary action.

Employees who resign and are not reinstated with the County within a period of five (5) years shall lose all sick leave credits. No employee shall be paid for any accrued sick leave upon termination of employment.

Section 8. Leave Pro-Rated Part-Time Employees

Holiday, annual and sick leave earned by part-time employees with fewer than the basic work week (40 hours) shall be determined by the following formula:

- A. The number of hours scheduled for work per week by such employees shall be divided by the number of hours in the basic work week (40 hours). This obtains the ratio.
- B. The ratio obtained in step A. shall be multiplied by the number of hours of leave earned annually by employees working the basic work week (40 hours).
- C. The number of hours in step B divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

D. A “day” for the purposes of leave is defined as the number of hours obtained by multiplying the ratio by 8 (the number of hours in a 40-hour week “day.”)

Section 9. Leave Without Pay

The Department Head, with the approval of the County Manager, may grant a County employee an extended leave of absence without pay for a period not to exceed six months for reasons of personal or family concerns. When a period of leave without pay ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. The employee shall be guaranteed a position of the same classification, seniority and pay.

Requests for leave without pay shall be submitted to the Department Head, in writing, as far in advance as possible. Factors to be considered include the necessity, duration of leave, workload and other factors considered in the best interest of the County.

An employee shall use annual, sick, and compensatory leave prior to going on leave-without-pay status. Annual and sick leave credits will not accrue during leave without pay. Individual medical insurance provided for the employee by the employer during regular pay status will not be provided as employer expense benefits during leave without pay unless the employee is on the payroll a minimum of one-half the working days during the calendar month or is within the twelve weeks of covered leave under FMLA. The employee, however, may continue to be eligible for any benefits under the County’s group plans, provided that the employee pays for the complete premium by payroll deadlines. Failure to do so, will forfeit the employee’s eligibility.

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

Failure to report for duty at the expiration of the leave-without-pay period, unless an extension has been approved, shall be considered a resignation.

All dates of personnel status changes and longevity implementation will be revised to compensate for the period each employee is on a leave-without-pay period.

Section 9. Family and Medical Leave Policy

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for

compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

The National Defense Authorization Act of 2008 (NDAA) amended the Family and Medical Leave Act, effective January 16, 2009, to allow the addition of military family leave entitlements whereby eligible employees may take up to twelve weeks of job-protected leave in the applicable twelve-month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty or has been notified of an impending call or order to active duty. The NDAA also amended the Family Medical Leave Act to allow eligible employees to take up to 26 weeks of job-protected leave in a “single twelve-month period” to care for a covered service member with a serious injury or illness. Other unclear areas of the Family and Medical Leave Act were also amended for the purpose of providing clarity to the policy and improving communications between employees, employers, and medical providers.

A. Definitions

1. Parent: a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.
2. Child: a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability and who is:
 - a. a biological child.
 - b. an adopted child.
 - c. a foster child – a child for whom the employee performs the duties of parent as if it were the employee’s child.
 - d. a stepchild – a child of the employee’s spouse from a former marriage.
 - e. a legal ward – a minor child placed by the court under the care of a guardian; or A child of an employee standing in loco parentis.
3. Spouse: a husband or wife recognized by the State of North Carolina.

Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical facility, including any period of incapacity (defined to mean inability to work,

attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such impairment; or

Continuing treatment by a health care provider involving one or more of the following:

2. A period of incapacity as defined above of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
3. Treatment two or more times by health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider, or a provider of health care services (e.g., physical therapist) under orders of, or on referral by a health care provider. The first treatment must take place within the first seven days of incapacity and both within thirty days of the first day of incapacity: or
4. Treatment of at least one occasion resulting in a regime of continuing treatment under the supervision of the health care provider (course of prescription medication, i.e., antibiotic, or therapy requiring special equipment to alleviate the health condition, i.e., oxygen); or
5. Any period of incapacity due to pregnancy or for prenatal care, even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days (prenatal examination, severe morning sickness): or
6. Any period of incapacity or treatment due to a "chronic serious health condition," even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days, which is defined as one:
 - a. Requiring periodic visits or treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider.
 - b. Continuing over an extended period of time (including recurring episodes of a single underlying condition); and
 - c. Which may cause episodic rather than continuing period(s) of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - d. Incapacity for a permanent or long-term condition for which treatment may not be effective (Alzheimer's, a severe stroke, or terminal stages of a disease).

- e. Multiple treatments for restorative surgery or incapacity for serious conditions that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (chemotherapy, radiation, dialysis, etc.)

1. Health Care Provider

A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery in the State of North Carolina; or

Any other person determined by statute, credential, or licensure to be capable of providing health care services which include:

- a. Podiatrists
- b. Dentists
- c. Clinical psychologists
- d. Optometrists
- e. Chiropractors (limited to manual manipulation of spine to correct subluxation shown on radiographs).
- f. Nurse practitioners
- g. Nurse midwives
- h. Clinical social workers
- i. Christian Science practitioners listed with First Church of Christ, Scientists in Boston, MA (Note: In this situation, the employee cannot object to an agency requirement to obtain a second or third certification other than Christian Science practitioner.)
- j. Health care providers from whom state approved group and HMO health plans will accept certification of serious health condition to substantiate a claim for benefits.
- k. Foreign health care provider in above stated areas who are authorized to practice in the country and who are performing within the scope of the laws.

2. Workweek – The number of hours an employee is regularly scheduled to work each week.

3. Reduced Work Schedule – A work schedule involving fewer hours than an employee is regularly scheduled to work.
4. Intermittent Work Schedule – A work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time, usually to accommodate some form of regularly scheduled medical treatment.
5. Month Period - The 12-month period measured forward from the date any employee’s first FMLA leave begins.
6. Military Caregiver Leave – A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to care for the service member.
7. Service Member- Is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
8. Serious Injury or Illness – One that is incurred by a service member in the line of duty, on active duty, that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
9. Qualifying Exigency Leave – A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for the Family Medical Leave Act leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter or parent who is a member of the Armed Forces, including National Guard and Reserves, who is on covered active duty or has been notified of an impending call or order to covered active duty.

B. Employee Eligibility

Determining Eligibility – An employee’s eligibility for Family Medical Leave shall be made based on the employee’s months of service and hours of work as of the date leave is to commence. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more cannot be counted unless the break is caused by the employee’s fulfillment of his or her National Guard or Reserve military obligation.

Career Status, Permanent, and Part-time – eligible employees who have been employed with Beaufort County for at least 12 months and who have been in pay status at least 1,250 hours during the previous 12-month period are entitled to a total of 12 workweeks, paid or unpaid, leave during any 12-month period for one or more of the reasons listed below.

1. For the birth of a child and to care for the newborn child after birth.
2. For the placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following adoption.
3. For the employee to care for the employee's child, spouse, or parent, while that child, spouse, or parent has a serious health condition; or
4. Because the employee has a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position.
5. For an employee whose spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation. Qualifying exigency leave is designed to provide employees an opportunity to address issues which arise when a family member is called to active duty.
6. For employees who must care for a family member who has been injured or became ill while serving in the armed forces.

Leave without pay beyond the 12-week period and leave for employees not covered under the Family and Medical Leave Policy shall be administered under the Leave Without Pay Policy. Under these provisions, employees must pay for health benefits coverage. Separation due to unavailability after all leave has been exhausted may apply in some cases.

Temporary Employees: This policy does not cover temporary employees since the maximum length of a temporary appointment is one year.

C. Leave Charges

Periods of paid leave and periods of leave without pay count toward the 12 workweeks to which the employee is entitled.

For purposes of determining the amount of leave used by the employee, the fact that a holiday(s) may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave.

Workers' Compensation Leave – If an employee is out on workers' compensation drawing temporary total disability, the time away from work is considered as a part of the FMLA 12-

week entitlement and will run concurrently. Workers' Compensation leave is considered a paid leave, rather than unpaid leave, although the employee is usually paid 2/3 of his/her regular wage.

Substitution of Paid Leave – All employees will be required to exhaust accumulated sick leave and compensatory leave prior to going on leave without pay.

D. Intermittent Leave or Reduced Work Schedule

Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for childbirth and birth related childcare or for adoption unless the employee and the County agree otherwise; however, when medically necessary, the employee may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition.

There is no minimum limitation on the amount of leave taken intermittently; however, the County may not require leave to be taken in increments of more than one hour.

If such leave is foreseeable, based on planned medical treatment, the County may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

Only the time taken as leave may be counted toward the 12 weeks of leave to which the employee is entitled when leave is taken intermittently or on a reduced leave schedule. (For example, an employee normally works 40 hours each week. The employee is on a reduced work schedule of 20 hours per week. The FMLA leave may continue for up to 24 calendar weeks.)

E. Beaufort County Responsibility

Each time an employee provides notice of the need for FMLA leave, the Human Resources Department or the agency shall provide the employee with written notice detailing the specific expectations and obligations of the employee.

1. Notice of Eligibility and Rights and Responsibilities

Employees of Beaufort will be required to provide a formal request for the need for FMLA leave. Once management has received the request, the employee will be notified that he/she is eligible for FMLA leave within five business days after receiving a request for FMLA leave or within five days of acquiring knowledge that an employee is absent for an FMLA-qualifying reason. The notice will be in writing

and in those cases where the employee is not eligible, he/she will be provided the reasons for the ineligibility.

When an employee is on paid leave but has *not* given notice of the need for FMLA leave, the County *shall*, after a period of three workdays, request that the employee provide sufficient information to establish whether the leave is for an FMLA-qualifying reason. If an absence, which begins as other than FMLA later, develops into an FMLA qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA. Leave may be designated as FMLA leave retroactively.

If an employee is out for a reason that qualifies for FMLA leave and the County does not learn of the reason for the leave until the employee returns to work, the County may designate the leave as FMLA leave within two regular business days of the employee's return.

Employees shall be provided a Notice of Eligibility and Rights and Responsibilities (US DOL Form WH 381) documenting the receipt of the employee request for FMLA, the purpose of the request and the designation of eligibility. In situations where the employee does not meet eligibility requirements, the County will provide reasons for the employee's ineligibility.

At the same time that the County notifies the employee that he/she is eligible for FMLA leave, it must also give the employee a notice that details the specific rights and the specific expectations and obligations of the employee on FMLA leave. The rights and responsibilities notice must also include the following information:

- a. Whether the employee must provide a medical certification.
- b. Whether the leave will count against the employee's 12-week FMLA entitlement.
- c. Whether the County requires the use of accrued paid leave in lieu of unpaid leave.
- d. That the employee may elect to use accrued paid leave in place of unpaid leave and any conditions related to the substitution of paid leave for unpaid leave.
- e. Whether the employee needs to make contributions toward health insurance premium payments and, if so, what arrangements the employee needs to make, as well as the consequences of a failure to make contribution payments.
- f. That the employee is liable for reimbursing the County for health insurance contributions if the employee fails to return to work upon the conclusion of FMLA leave.

- g. Whether the employee is a “key employee” of Beaufort County and the reasons why restoration may be denied upon the conclusion of FMLA leave.
- h. That the employee has the right to return to the same or an equivalent job.
- i. Whether the employee must provide periodic updates on his/her condition during the period of FMLA leave.
- j. Whether the employee must provide a fitness-for-duty certification before returning to work.

2. Medical Certifications

The County must allow the employee fifteen calendar days to obtain a medical certification from the medical provider(s). If the employee does not return the certification within the 15-day period, the employee loses his/her right to FMLA and to return to the same or substantially equivalent position. It will not be a violation of the Family Medical Leave Act to either deny FMLA or to terminate an employee who has not returned a medical certification within 15 days. The County is entitled to a complete and sufficient certification. If for some reason the certification is incomplete or insufficient, the employee will be notified that he/she will have seven additional, calendar days in which to provide the required information. FMLA leave may be denied to any employee requesting leave who fails to return a medical certification or who fails to return a complete and sufficient certification after being given seven days to resubmit it. In accordance with the Department of Labor and HIPAA regulations, a County representative may directly contact a medical provider for clarification in regard to information useful in the determination of a serious health condition.

At the time the County requests certification, representatives shall advise the employee of the anticipated consequences of an employee’s failure to provide adequate certification and shall provide the employee a reasonable opportunity to correct any incomplete information. If the employee uses paid sick leave, the County shall require the employee to provide a medical certification as specified in the Sick Leave Policy and not the more stringent FMLA medical certification.

If the County has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion at the County’s expense. Pending receipt of the second (or third) opinion, the employee may be placed on FMLA retroactively. If the certifications do not ultimately establish the employee’s entitlement to FMLA leave, the leave shall not be designated as FMLA leave.

If the opinions of the employee’s and the County’s designated health care providers differ, the County may require the employee to obtain certification from a third health

care provider, again at the County's expense. This third opinion shall be final and binding. The third health care provider may be designated or approved jointly by the County and the employee.

For Medical Certifications use the US DOL WH-380E – Certification of Health Care Provider for Employee's Serious Health Condition for all employees who have a serious health condition. A list of essential functions or a completed, accurate description for the position the employee occupies will be attached to the medical certification for the purpose of assisting the medical provider in understanding the expectations and essential functions required of the employee.

The US DOL H-380-F – Certification of Health Care Provider for Family Member's Serious Health Condition form will be utilized for certifying a serious health condition of an employee's family member.

3. Notice and Designation Requirements

Once the County has received a completed medical certification form, or otherwise has acquired enough knowledge to determine whether the employee is entitled to FMLA leave, the employer must give the employee a separate Designation Notice advising the employee that the leave is being designated FMLA leave within five business days. Regardless of whether the information was included in the eligibility and rights and responsibilities notice, the County will include the following information in the designation notice:

- a. Whether accrued paid leave will be substituted for unpaid leave.
- b. Whether the employee must provide a fitness-for-duty certification before returning to work.
- c. A list of the employee's essential job functions, if the fitness-for-duty certification must address the employee's ability to perform essential job functions; and
- d. Notice of the amount of leave that will be counted against the employee's FMLA entitlement.
- e.

US DOL Form WH-382 may be utilized for the Designation Notice.

4. Re-certification of Medical Conditions

The County may request re-certification no more often than 30 days unless: (a) an extension is requested, (b) circumstances described by the previous certification have

changed significantly or (c) the County receives information that casts doubt upon the employee's stated reason for the absence.

If the minimum duration specified on a certification is more than 30 days, the County may not request re-certification until that minimum duration has passed.

The employee must provide the requested re-certification to the County within the time frame requested (which must allow at least 15 calendar days after the agency's request) unless it is not practicable under the particular circumstances.

G. Employee/Supervisor Responsibility

The employee shall give notice to the Supervisor for leave requested under this policy. The employee must explain the reasons for the needed leave in order to allow the County to determine that the leave qualifies under the Act.

1. Birth or Adoption – The employee shall give the County no less than 30 days notice, in writing, of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable, which becomes known to the employee.
2. Planned Medical Treatment – When the necessity for leave to care for the employee's child, spouse, or parent or because the employee has a serious health condition, the employee must give 30 day's notice if practical of the intention to take leave.
3. Medical Emergency – In the case of a medical emergency requiring leave because of an employee's own serious health condition or to care for a family member with a serious health condition, the County shall not require written advance notice.

If the employee will not return to work after the period of leave, the employee shall notify the County in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

H. Qualifying Exigency Leave

The FMLA requires Beaufort County to grant up to twelve weeks of leave for certain qualifying exigencies to employees whose spouse, child of any age or parent who is a member of the Armed Forces, including National Guard and Reserves, and who is on covered active duty or has been notified of an impending call or order to covered active duty. This form of FMLA is defined as qualifying exigency leave. Qualifying exigency leave is designed to give employees time to deal with some of the informational, financial, and child-related issues that arise when a family member is called to or on active duty.

The US Department of Labor defines qualifying exigency as:

1. Deployment of a service member with seven or fewer days' notice.
2. Military ceremonies and events, as well as support, family-assistance or informational programs related to a service member's active duty or call to active-duty status.
3. Providing urgent, immediate childcare or arranging for alternative childcare for the children of service members on or called to active duty.
4. Attending school or daycare meetings relating to the child of a service member on or called to active duty.
5. Making financial or legal arrangements related to a service member's active-duty status or call to active duty.
6. Post-deployment activities for a period of ninety days after the termination of the service member's active-duty status.
7. Qualifying exigency leave is limited to situations in which a call or order to active-duty status is in support of a contingency operation. The active-duty orders of a service member will generally state whether he/she is serving in support of a contingency operation.
8. Rest and Recuperation for up to 15 days

In the FY 2010 National Defense Authorization Act Amendments, regulations have been extended for FMLA leave to include eligible employees with family members serving in the Regular Armed Forces for qualifying exigencies arising out of service member's deployment including foreign deployment. The foreign deployment applies to the deployment of all service members to include National Guard, Reserves, Regular Armed Forces. Qualifying exigency leave may be taken on an intermittent or reduced schedule. Notice of the need for qualifying exigency leave must be "as soon as practicable".

I. Certification for Qualifying Exigency Leave

Employees requesting qualifying exigency leave shall provide:

1. A copy of the military member's active-duty orders or other documentation issued by the military indicating that the military member is on or called to active duty in support of a contingency operation and the dates of active-duty service, and
2. A certification from the employee setting forth facts supporting the employee's need for leave in this situation, the approximate starting date on which the qualifying exigency began or will begin, the beginning and ending dates of the absence for

which, the employee is requesting FMLA qualifying exigency leave and if the employee is meeting with a third-party, identifying and contact information for the third party and a description of the meeting's purpose.

Beaufort County shall not request re-certification of the covered service member's active duty or call to active-duty orders. The County shall request certification of the need for qualified exigency leave and shall request the certification in writing within five days of the request for or beginning of leave and the certification must be completed and returned within fifteen days of its receipt from the County.

The US DOL Form WH-384 will be required to request a certification of qualifying exigency for military family leave.

J. Military Caregiver Leave under the FMLA

1. FMLA-eligible employees may take up to 26 weeks of leave within a twelve-month period to care for a family member who has been injured or become ill while serving in the armed forces. Employees may take military caregiver leave to care for current member of:
 2. Regular Armed Forces
 3. National Guard or Reserves
 4. National Guard or Reserves who are on the temporary disability retired list, who have a serious injury or illness incurred in the line of duty on active duty that renders them medically unfit to perform the duties of his/her office, grade, or rating, and for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list?

The spouse, "son or daughter of a covered service member," "parent of a covered service member" or "next of kin of a covered service member" may take military caregiver leave under FMLA.

An employee shall give notice of the need for military caregiver leave:

1. 30-days in advance, when the need for military caregiver leave is foreseeable. Either the same day or the next business day when the need for military caregiver leave was not foreseeable.
2. A medical certification of the need for leave from the healthcare provider of the service member. For the purpose of military caregiver leave, the healthcare providers

who may complete the certification include Department of Defense providers, Department of Veterans Affairs providers, TRICARE network authorized private providers and non-network TRICARE authorized private providers. A medical certification for military caregiver leave may request information sufficient to establish the employee's need for leave, including the following information:

3. A statement of medical facts regarding the service member's health condition—specifically, facts relating to whether the injury or illness render the service member medically unfit to perform the duties of his or her military office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy.
4. Information sufficient to establish that the service member needs care.
5. A description of the care to be provided to the service member and an estimate of the leave needed to provide the care; and
6. The relationship of the employee to the service member.

Certification of the need for military caregiver leave is subject to the same time requirements as FMLA leave. The County must request the certification in writing within five days of the request for or beginning of leave and the certification must be completed and returned within fifteen days of its receipt from the employer. Because military caregiver leave differs from FMLA leave to care for a family member with a serious health condition, the County will not use the same certification form for traditional FMLA leave and military caregiver leave. US DOL Form WH-385 will be utilized for requests of military caregiver leave.

Like FMLA leave requests, the timing requirements for certification of the need for military caregiver leave are the same, fifteen calendar days after receiving the form from the agency. For military caregiver leave, second and third opinions in addition to re-certification are not permitted. The County shall accept an "invitational travel order" or "invitational travel authorization" issued to a family member to join an ill or injured service member at his or her bedside in lieu of the Form WH-385.

The employee is eligible for 26 weeks of leave to care for the service member during a single twelve-month period. Employee is also entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason in a year in which she or he takes military caregiver leave. The single twelve-month period begins the first day the employee takes military caregiver leave and ends twelve months later; regardless of the method that the agency uses to determine FMLA entitlement for other forms of FMLA leave. Military caregiver leave may be taken on an intermittent or reduced leave schedule.

K. Employment and Benefits Protection

1. Reinstatement – The employee shall be reinstated to the same position held when the leave began or one of a like pay grade, pay, benefits, and other conditions of employment. Beaufort County shall require the employee to report at reasonable intervals on the employee’s status and intention to return to work. The County also shall require that the employee provide certification that the employee is able to return to work.
2. Benefits – The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.
3. Health Benefits – The County shall maintain coverage for the employee under the agency plan for the duration of leave at the level and under the condition’s coverage would have been provided if the employee had continued employment. Any health plan premiums that an employee paid prior to leave must continue to be paid by the employee during the leave period (e.g., dependent health coverage). The County must give advance written notice to employees of the terms for payment of premiums during FMLA leave. The obligation to maintain health insurance coverage stops if an employee’s premium payment is more than 30 days late.

The County may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee’s control.

L. Interference with Rights

Actions prohibited – It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.

Protected Activity – It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:

Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy.

Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.

Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

(Current policy also states life insurance will be provided by the County during FMLA. Is this correct?)

Section 10. Military Leave

A military leave shall be defined as a leave to fulfill a required military obligation. The provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) govern military leaves of absence. The purposes of USERRA are two-fold: to allow Americans to serve in the United States armed forces with minimum disruption to their civilian careers and to prohibit discrimination against those who have served in the uniformed services. Leave shall be granted to employees of Beaufort County for certain periods of service in the uniformed services. No employee of the County shall discriminate against any employee of the County or applicant for County employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.

Definitions

Service in the Uniformed Service – The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes:

- A. Active duty (extended active duty; mobilization or call up of reserve components) active duty for training of reserve components (annual training – usually two (2) weeks or special schools)
- B. Initial active duty for training (initial enlistment in reserve or National Guard)
- C. Inactive duty training (drills – usually on weekends)
- D. Full-time National Guard (usually a 3-year contract), and a period for which a person is absent to determine fitness of the person to perform such duty.
- E. Uniformed Services Armed Forces and the Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard), Commissioned Corps of the Public Health Services and any other category of persons designated by the President in time of war or national emergency.

National Guard – A reserve of the US Armed Forces. The NC Army and Air National Guard respond to the Governor as Commander in Chief and serve as the military arm of State government and respond to the President of the United States in time of war.

Notification to Employer

Military leave granted must be supported by appropriate documentation. The employee shall submit an order or written statement to the employee's Department Head from the appropriate military officer as evidence of duty for which military leave with pay is requested. Since individual orders are not issued to members of the National Guard, a

statement from the commanding officer shall be sufficient. In lieu of a written statement, such leave may be verified through the Office of the Adjutant General.

Such leave shall be recorded in the employee's leave record and be designated as military leave. For periods eligible for military leave with partial pay, the County shall require the employee to provide a copy of their Leave and Earnings Statement issued by the National Guard and covering the eligible period in excess of 30 days.

Military Leave with Partial Pay

An employee who is a member of the Uniformed Services will be allowed ten (10) working days of military leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference between the base salary earned as a reservist and the salary that would have been earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period of ten (10) working days. If such military duty is required beyond this period of ten (10) working days, the employee shall be eligible to take accumulated annual leave or be placed on leave-without-pay status.

Leave with pay, up to the maximum of 10 working days shall be granted to members of the Uniformed Services for: active duty for training (including annual training or special schools), inactive and initial active-duty training, and upon call-up or order to Federal active duty for an employee in one of the Reserve Components. Any additional military leave needed shall be charged to annual or leave without pay at the discretion of the employee.

Retention and Continuation of Benefits During Leave with Pay

During the period of military leave with partial pay, the employee shall not incur any loss of total County service or retirement services or suffer any adverse services rating. The employee shall continue to accumulate sick and annual leave, total County service credit and receive any promotion or salary increases for which otherwise eligible.

While on military leave with partial pay or without pay, the employee's leave credits, and other benefits shall continue to accrue as if the employee remained with the County during this period. Employees who are reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Military Leave Without Pay

Military leave without pay shall be granted for all uniformed service duty that is not covered by military leave with partial pay. Among the reasons are:

1. Extended active duty for a period not to exceed five years plus any additional service imposed by law.
2. Full time National Guard duty (usually a 3- year contract).
3. Initial active duty for training (initial enlistment).
4. Designation of any other category of persons by the President in time of war or national emergency.

The following absences may be taken as leave without pay or as available annual leave, or a combination of the two, at the employee's option:

1. Duties resulting from disciplinary action imposed by military authorities.
2. Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.
3. Take a required physical examination to determine fitness for duty in the uniformed services.
4. To perform funeral honors duty.

Retention and Continuation of Benefits During Leave Without Pay

The employee may choose to have accumulated annual leave:

1. Exhausted, or
2. Retained (part or all) until return to County service.

The employee shall:

1. Retain accumulated sick leave.
2. Continue to earn time toward total County service, and
3. Receive retirement service credit for periods of active duty up to the time the employee was first eligible for discharge if the employee returned to County employment within two years; or any time after discharge if they had completed at least 10 years of membership service in the Retirement System.

The employee may elect to continue employer-sponsored health care through COBRA for a period of up to 18 months; however, the employee must pay the full premium for periods in excess of 30 days.

Reinstatement from Military Leave without Pay

The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or applying for reemployment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or applying for reemployment are as follows:

1. Less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, considering safe travel home plus an 8-hour rest period.
2. More than 30 days but less than 181 days, must submit a written or verbal application for reemployment with the County not later than 14 days after the completion of the period of service: or,
3. More than 180 days, by applying with the County not later than 90 days after the completion of the period of service.

Reinstatement shall be made if the employee separated/discharged from military service under honorable conditions and reports to work or applied for reinstatement within the established time limits.

Reinstated Position

Reinstatement shall be to the position they would have likely achieved had they remained continuously employed; or, if the period of uniformed service were in excess of 180 days, their position or one of like seniority, status and pay with the same Department or with another County Department. In the case of reemployment, such reemployment is to be promptly effective.

If, during military service, the employee suffers a disability incurred in, or aggravated during, uniformed service, to the extent that the duties of the position cannot be performed, the employee shall be reinstated to a position most nearly comparable to the position, with duties compatible with the disability and without loss of seniority.

Reinstated Pay

The employee's salary upon reinstatement shall be based on the salary rate applicable to the proper position. In no case will the reinstated employee's salary be less than when placed in a military leave status. If the employee was in trainee status at the time of military leave, the addition of trainee adjustments may be considered, at the discretion of the Department Head and County Manager, if it can be determined that military experience was directly related to development in the area of work to be performed in the County position. The addition of trainee adjustments must be made if it can be shown that progression within or through such status is based merely upon the passage of time with satisfactory performance.

Employees who resign to enter military service without knowledge of their eligibility for leave without pay and reinstatement benefits, but who are otherwise eligible, shall be reinstated as if they had applied for this benefit.

Section 11. Civil Leave

Each employee has a civic responsibility to serve as a juror when called upon to do so. Beaufort County encourages its employees to aid the community by participating. A County employee called for jury duty or as a court witness for the federal or state government is entitled to leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty. If an employee is called to jury duty, the Supervisor must be notified immediately so that coverage may be provided during the employee's absence. While an employee is on leave for such jury duty or court service, his or her benefits and leave shall accrue as though the employee were actively performing employment duties.

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

Section 12. Educational Leave

The intent and purpose of the educational leave policy is to benefit an employee whose intentions are to return to the County to work and to benefit Beaufort County Local Government and its operations. Educational leave may be considered for employees of Beaufort County subject to the recommendation of the employee's Supervisor, Department Head and with approval of the County Manager. A leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted for the employee to take courses of study which will better equip him/her to perform his/her duties for the County. In unusual circumstances, an employee may request educational leave for the same purpose not to exceed nine (9) calendar months only with the approval of the Beaufort County Commissioners. The employee must request such leave a minimum of twenty workdays prior to the beginning of the course so as to allow sufficient time for the normal approval process. Circumstances under which leave may be requested are as follows:

1. Employee is pursuing a degree in higher education or a specific class during business hours.
2. Employee is seeking to increase his or her proficiency in job functions and adequate training is not available.
3. Employee must be on permanent or career status and be working in the position long enough to be fully trained with absence from the Department not adversely affecting productivity.
4. The evaluation of employee's work performance must be at or above standard with no involvement in any disciplinary process and remain so throughout educational leave.
5. Employee must submit a proposal as to how time away from work will be scheduled to maintain his or her regularly scheduled work period (i.e., annual leave, compensatory or flex time, adjusted work schedule).

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which County employees are entitled. An employee on approved educational leave will be expected to report to work, as normally scheduled, when not in class or performing school related functions.

An employee on educational leave with pay will agree to return to the service of the County upon completion of the employee's training and remain in the employ of the County for a period equal to twice the educational leave which the employee received; or the employee will reimburse the County for all compensation received while on educational leave. The employee will also be required to reimburse the County for all compensation received while on educational leave with pay if the employee fails to successfully complete the course of study or training for reasons other than undue personal hardship,

Section 13. Donated Leave

The Donated Leave Program is designed to provide employees the opportunity to assist and receive assistance from, other employees during periods of prolonged absences from work due to personal catastrophic medical conditions by donation of leave. The Donated Leave program is handled by the Human Resources Department. The program is not designed to apply to an employee's incidental, normal, short-term medical conditions. A prolonged medical condition, for the purpose of this benefit, is one that is expected to require an employee's absence from work for a period of at *least twenty consecutive* days. The twenty-day period is intended to serve as a general guideline for donated leave, rather than an absolute requirement. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve months, an exception to the twenty-day period may be made.

In the case of a prolonged medical condition of an employee or an immediate family member which causes an employee to exhaust all available leave, an employee *must be in a permanent full-time or part-time position (eligible for retirement benefits), with Permanent Status or Career Status* in order to apply or be nominated to receive donated leave, employees must supply medical evidence to support the need for leave beyond available accumulated leave. Confidentiality requirements deem that the employee sign a written release form to permit the status of the “potential recipient of donated leave” to be known. Participation is limited to a maximum 1,040 hours prorated for part-time employees. Donated leave is exempt from the maximum accumulation carryover limitations. Employees may apply for donated leave from the annual leave account of another employee or employees. Immediate family for the purpose of this policy includes spouse, parents, guardian, children, brother, sister, grandchild, and grandparent including half, step and in-law relationships that are likely to require an employee’s absence from duty for a prolonged period.

An employee may donate leave, as outlined below, to an employee who has been approved to receive voluntary donated leave because of a medical condition of the employee that will require the employee’s absence for a prolonged period of time.

General Guidelines

Establishment of a leave “bank” for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.

An eligible employee may receive a maximum of thirty (35) days of donated leave per incident or medical illness.

An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

Eligibility Requirements

The employee must be a full-time or part-time (half-time or more) employee with a career status, permanent, probationary, trainee appointment. Participation in this program shall be based on the employee’s past compliance with leave rules.

Non-qualifying conditions: The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These

examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be addressed consistently and equitably.

Application Procedure

By letter or application to the Department Head, a recipient shall apply or be nominated by a fellow employee to participate in the program.

Application for participation would include name, classification, department from which donations of leave would be requested, description of the condition and estimated length of time needed to participate in the program. A doctor's statement must be attached to the application.

Medical information is maintained in a confidential manner. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.

The Department Head shall review the merits of the request; provide a recommendation and forward to the Human Resources Department for verification. The Human Resources Director will consult with the County Manager and based upon their recommendation for approval, will notify the employee and the employee's Department Head of the action to be initiated. The Human Resources Director will notify the entire employee population of the request for leave. All leave donations must be submitted to the Human Resources Department.

Recipient Guidelines

A prospective recipient may make application for voluntary donated leave as such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave. Employees who participate in the Voluntary Donated Leave Program are eligible for one specified medical condition.

An employee requesting donated leave must decide if they want their request posted only in their own Department or Countywide for all county employees.

At the expiration of the medical condition, as determined by the County, any unused leave in the recipient's donated leave account shall be treated as follows: (a) The recipient's annual and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees). (b) Any additional unused donated leave will be returned to the donor(s) on a pro-rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

If a recipient separates due to resignation, death or retirement from County government, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

Donor Guidelines

The minimum amount to be donated is four hours.

The maximum amount of annual leave allowed to be donated by one individual is to be no more than the individual's annual accrual rate. However, the amount donated is not to reduce the donor's annual leave balance below one-half of the annual leave accrued.

Leave Accounting Procedures

To facilitate the administration of the program, the County may establish a specific time period during which leave can be donated.

Each department shall establish a system of leave accountability that will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. The Finance Office will also maintain an accurate record of the donation and recipient use of donated leave.

All leave donated shall be credited to the recipient's sick leave account. Voluntary donated leave available in the recipient's sick leave account will be charged according to the Sick Leave Policy.

Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay.

Each approved medical condition shall stand alone, and donated leave not used for each approved incident shall be returned to the donor(s). Returned leave shall be credited to the same account from which it originally came. Employees who donate "excess" annual leave (any amount above the 240 maximum allowable carryover) at the end of December may have it returned and converted to sick leave.

ARTICLE VII

PAY AND BENEFITS

Section 1. Pay Periods

All Beaufort County employees shall be paid on a bi-weekly payroll for time worked effective January 1, 2019. The 14-day pay period will begin on Monday and end on Sunday. There will be 26 pay periods each year. Paychecks will be issued the Friday following the end of each pay period. When the payroll Friday falls on a county-observed holiday, employees will be paid on the day before the holiday.

Section 2. Benefits Program

The Benefits Program is administered by the Human Resources Department and is designed to provide financial protection for employees and their families and thereby enhance the County's ability to attract and maintain qualified employees who will provide positive and effective work performances. A number of County approved payroll deduction plans are also available which provide employees with increased options to meet their individual insurance needs. Annual enrollment periods will allow employees the opportunity to change or cancel their selected plans each year during that period without a *qualifying event* and at other times with a *qualifying event*. Each employee is encouraged to make responsible decisions regarding both present needs and future financial stability.

All part-time employees working at least 1000 hours annually, who are eligible for retirement and full-time employees of the County who occupy a permanent position, are eligible for employee benefits as provided for in the Article. It is the discretion of the County Manager and/or Board to determine whether to allow the addition of a benefit or service and to provide for payroll deduction. In determining whether to allow for a payroll deduction, factors which will be considered include the performance, reputation and financial responsibility of the organization requesting the service and whether there is sufficient interest by a reasonable number of employees. Employees will be notified at the time of benefit additions, deletions, and revisions.

The following is a list of benefits offered by Beaufort County which are required by law:

- A. Workers' Compensation
- B. Unemployment Compensation
- C. Social Security
- D. Retirement, if the employee is eligible.

E. Disability Retirement

Section 3. Health Insurance

In compliance with Affordable Care Act provisions and subject to the annual budgetary process and appropriations, the County shall provide hospitalization insurance in an amount equivalent to a single employee's basic coverage for all permanent, career status, trainee and probationary employees who work at least 1,000 hours annually. Such an employee, who is working on Family Medical Leave or on paid leave for one-half or more of the regularly scheduled workdays in a month, shall be eligible for group hospitalization insurance.

Any qualified employee wishing to have additional hospitalization in the form of other family-type coverage may do so at their expense and have the premium payroll deducted. All new employees shall become eligible for hospitalization and the cost of coverage shall be paid by the County with the remainder of the cost being paid by the employee. If an employee is on leave of absence without pay, that employee can remain covered under the County's group hospitalization plan but must pay the entire premium to the County Financial Services Office prior to the first working day of the month they are to be covered. Insurance coverage ceases on the date of separation whether voluntary or involuntary.

Hospitalization – Insurance Coverage for Retirees and Disability Retirees

The County shall provide hospitalization insurance for employees who qualify and retire on LGERS regular retirement, until age 65 or until they are eligible for Medicare and who meet either one of the following criteria:

1. Twenty (20) years of cumulative service with Beaufort County and reached age 60; or
2. Thirty (30) years of cumulative service with Beaufort County with no age requirement.

Hospitalization – Insurance Coverage for Disability Retirees – **Only For Employees Hired as of August 7, 2023, and after. All other employees will continue under the current policy.**

- 1) The County shall provide hospitalization insurance for employees who qualify for Local Government Disability Retirement for **only two (2) years** if they do not qualify for Social Security Disability or have not applied for Social Security Disability benefits.
- 2) The County shall provide continual hospitalization insurance coverage for after (2) two years for employees who: (a) demonstrate that they have applied for Social Security disability benefits within one month of being approved for LGERS disability, and, (b) they have been approved for Social Security disability and they are waiting for their Medicare insurance benefit to become active. This typically takes 24 months or longer.

**** The County will NOT provide hospitalization insurance for employees retiring on LGERS disability retirement who have earned the State Health Plan benefits through employment with the State of North Carolina.*

Sick leave earned with the County which is applied toward retirement will count as service credit for determining eligibility for this benefit. Beaufort County will continue to pay for insurance coverage up to the time the employee becomes eligible for Medicare.

Employees for whom the County continues to provide individual hospitalization following retirement may also cover eligible dependents provided they were covered under the County's group health insurance plan at the time of the employee's retirement. Eligibility for dependent coverage under this provision would cease upon the employee's termination from the group plan.

Employees who are Retired or on Disability Retirement or on leave-without-pay may lose their coverage for prompt non-payment of the employee portion of the premium.

COBRA provides former employees and/or dependents continuation of group health and/or dental plan coverage for up to 18 months or 36 months when specific events occur. In addition, federal law allows certain members to continue group health plan coverage for up to 29 months when disabled. Continuation of Health and Dental coverage, if chosen, will remain as employee expense.

Section 4. Group Life Insurance

The County will provide group life insurance to all employees who are eligible for retirement benefits. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts. Payroll deductions shall be allowable, at the option of the employee, to provide group life insurance for dependents in accordance with the provision of the insurance contracts.

Section 5. Retirement Benefits

The County provides a retirement program for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officers' Benefits and Retirement Fund. Upon employment, a new employee shall be required to join the County retirement plan if the employee works a total of 1000 hours per year in a permanent position. The Human Resources Department is available to assist employees with their retirement processes and benefits.

A. Local Government Employees Retirement

Employees contribute, through payroll deduction, six per cent of their gross salary to the system. The County contributes an actuarially determined percentage of the gross

payroll each month to the system. Provisions of this system are further outlined in the North Carolina Local Governmental Employees' Retirement System handbook available from the County Human Resources Office.

There shall be no mandatory retirement age imposed on employees except in positions where a bona fide occupational qualification exists in compliance with the Age Discrimination in Employment Act Amendment.

B. Local Governmental Employees' Retirement System for Local Law Enforcement Officers

Employees are eligible to become a member of the System if they are a permanent, full-time paid employee of an employer, who 1) possesses the power of arrest, 2) has taken the law enforcement oath administered under the authority of the State and 3) are certified as a law enforcement officer under the provisions of 17C of the General Statute or certified as a deputy sheriff under the provisions of chapter 17E of the General Statutes. Law enforcement officer also means Sheriff of the County.

Law Enforcement Officers Separation Allowance

The County will pay a special separation allowance to each law enforcement officer retiring from County employment in compliance with NC General Statutes – Chapter 143 Article 12D under the following guidelines:

- A. To qualify for the special separation allowance, the retiring officer must meet the following criteria:
 - 1. Completed thirty or more years of creditable service; or attained 55 years of age and completed five or more years of creditable service; and
 - 2. Not attained 62 years of age; and
 - 3. Completed at least five years of continuous services as a law enforcement officer immediately prior to service retirement.

NOTE: Creditable service is defined as service for which credit is allowed under the retirement system of which the officer is a member, provided that at least 50% of the service is as a sworn law enforcement officer. Credible service also includes credit for accumulated sick as allowed under the NC Retirement System.

- B. The separation allowance due to qualifying employees will cease when the retired officer reaches sixty-two (62) years of age, dies, or is re-employed in any capacity by the County.

- C. The amount of separation allowance will be equal to 0.85 percent of the officer's most recent annual salary for each year of creditable service. (Example: last annual salary x 0.85 percent x number of years of credible service). This is calculated annually and will be paid in twelve equal installments until the officer's entitlement ceases.
- D. The County will contribute 5% of the officer's gross salary to the Supplemental Retirement Income Plan (State 401K Plan) which will be credited to the designated individual accounts of participating law enforcement officers.

Section 6. Death Benefit

County employees will receive a Death Benefit after one year as a contributing member of the Local Governmental Employees' Retirement System or the Law Enforcement Officers' Retirement System. The beneficiary of an eligible employee who dies while still in active service, while being paid salary, will receive a single lump sum payment. The payment equals the highest twelve (12) months' salary in a row during the twenty-four (24) months before the date of death, no less than \$25,000 and not to exceed \$50,000. This benefit is also paid if the employee dies within 180 days of the last day for which he/she was paid salary.

Section 7. Unemployment Insurance

In accordance with the North Carolina General Statutes, local County employees are covered by unemployment insurance. County employees who are reduced in force or released from County service may apply for unemployment insurance compensation through the local office of the North Carolina Division of Employment Security (DES). The DES will determine the employee's eligibility for benefits based upon the facts surrounding the separation or termination. Requests received from the DES must be completed by the County Human Resources Department.

Section 8. Social Security

The Federal Social Security Program provides benefits for eligible wage earners. The funds necessary for the program are collected both from the employees and from the County. Under the law, the County is required to deduct the worker's share from his paycheck, match that amount, and pay the total into the Federal Treasury. The Federal Government pays benefits to the employee or his/her heirs.

Section 9. Women's Health and Cancer Rights Act

Federal law requires that all plan participants be notified annually of their rights under the "Women's Health and Cancer Rights Act". The law requires that all group health plans that provide coverage for a surgically removed breast must also:

- A. Provide coverage for reconstruction of the surgically removed breast.
- B. Provide coverage for surgery and reconstruction of the other breasts to produce a symmetrical appearance.
- C. Provide coverage for prostheses and any physical complications that may occur in any stage of a mastectomy, including lymphedemas (swelling associated with the removal of lymph nodes.)

Coverage for breast reconstruction and any related services will be subject to any Plan deductible and covered percentage amounts that apply to other covered medical benefits of the Plan.

Section 10. Workers' Compensation

Beaufort County provides Workers' Compensation for those employees who may be hurt or injured on the job. Employees are required to report any work-related accident or illness immediately to the Supervisor, who will then notify the Risk Manager. Failure to do so may result in the denial of Workers' Compensation benefits. Employees are eligible for workers' compensation coverage who are employed with a full-time, part-time, or temporary appointment. Employees of the Beaufort County Cooperative Extension Agency are also covered.

An employee who must be absent from work due to a work-related injury is required to use any available leave time for the first seven days of his or her absence. Workers' Compensation benefits will begin thereafter on accepted claims. After the first seven days, employees will no longer receive compensation from the County while being paid by Workers' Compensation. The employee will not receive credit in the Local Government Employees Retirement System while they are paid through Workers' Compensation.

Employees on Workers' Compensation leave who have medical appointments related to their Workers' Compensation injury should report to work before and/or after their medical appointments.

Employees on Workers' Compensation leave are expected to comply with all medical treatment provided and are expected to accept any medically approved light duty assignment offered to them. The County will address any failure to comply by filing the appropriate motions for compliance and/or to terminate benefits with the North Carolina Industrial Commission.

The County Risk Manager will coordinate the filing of such claims with all appropriate parties and will serve as a resource to County employees.

Section 11. Supplemental Retirement Benefits (401-K)

Employees who are eligible for retirement through the Local Governmental Employees' Retirement System may contribute to the Supplemental Retirement Income Plan (State 401K Plan) through payroll deduction within the provisions of the law. In addition, the County may contribute to the State 401K Plan for eligible employees who are subject to authorization by the County Manager and Beaufort County Commissioners.

Section 12. Direct Deposit

Direct deposit of pay is mandatory for all County employees whereby their paychecks will be directly deposited into the bank or credit union of their choice. Direct deposit is required for new employees. For security reasons, employees must make direct deposit changes in person at the Human Resources Department.

Section 13. Miscellaneous Other Benefits

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and their cost may be deducted from the employee's pay.

- A. Dental and other supplemental insurance
- B. Flexible Benefits Plan, authorized by Section 125 of the Internal Revenue Code, allows employees to spend pretax dollars on insurance premiums, uncovered health and medical expenses and expenses for dependent care.
- C. Credit Union
- D. United Way Contributions

Section 14. Longevity Benefit

1. All County employees in full-time or permanent part-time (local government retirement eligible) positions are eligible for the benefit. It does not apply to part-time, temporary employees not eligible for local government retirement, or staffing-service employees. It does not apply to State or Federal cost-shared positions, as that employer would be responsible for providing such a benefit.
2. The benefit is based loosely on the State of NC longevity model but is modified to address the compression issues faced by Beaufort County.

3. The start date for this benefit program is July 1, 2021. It applies to current employees and new hires. The program is not retroactive except for the first 5-year look back described in #4 for current employees.

4. Initial eligibility for County employees listed in #1 will be based on a 5-year look back from July 1, 2021. If a current employee's hire date (current continuous service only, does not include prior service breaks) is at least 5 years prior to July 1, 2021 (earlier or equal to July 1, 2016), the employee will receive the first 5-year interval adjustment. Employees with a hire date less than 5 years prior to July 1, 2021, will be given credit for that time to reach the first 5-year adjustment point. (Example: An eligible employee who has worked for the County for 3 years prior to July 1, 2021, will need to work 2 additional years to qualify for the first 5-year interval adjustment.)

5. A break in County service time will restart the 5-year interval. (Example: An eligible employee who leaves County service, no matter their number of years of service, and returns, no matter the duration of the break, will have to work 5 years before receiving the first adjustment)

6. Salary adjustments will be added to the employee's base salary to help address compression. The date of any adjustment will be July 1 of each year to coincide with the annual budget. Any current employee who has not yet worked 5 years and any new employee who reaches 5 years of employment during the middle of the year will receive the adjustment effective the next July 1. That July 1 will then be the starting point for the next 5-year interval. (Example: Employee "A" reaches a 5-year interval sometime between July 2 and December 31. Employee "A" will receive the longevity adjustment on July 1 of the next year and then every 5 years after that July 1 if they are still employed. Employee "B" reaches a 5-year interval sometime between January 1 and July 1. Employee "B" will receive the longevity adjustment on July 1 of that year and then every 5 years after that July 1 if they are still employed.) Adjustments will be calculated using the employee's salary as of July 1 when the adjustment is effective.

7. Adjustments are applied (one time) at the end of each 5-year interval:

First 5-year interval:	1.5% increase to current base salary
Second 5-year interval:	2.25% increase to current base salary
Third 5-year interval:	3.25% increase to current base salary
Fourth 5-year interval:	4.50% increase to current base salary
Each additional 5-year interval:	4.50% increase to current base salary

ARTICLE VIII

SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

The separation, disciplinary and reinstatement policies are implemented to provide for County employees and management a fair, clear, and useful tools for addressing separation of employment. Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a Supervisor or Department Head to be unacceptable, disciplinary action may be initiated in various methods, depending on the nature of the offense. All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may be voluntarily separated from County service by either resignation or retirement. Employees may be involuntarily separated from County service by reduction in force, disability, dismissal, or death. Some policies may not be applicable to the Sheriff's Office, Health Department, Social Services Department, or Register of Deeds.

Section 1. Resignation

An employee may resign from employment with Beaufort County by submitting a letter of resignation with a minimum of ten working days' notice. A letter of resignation is required and shall be submitted to both the immediate Supervisor and the Department Head. Upon concurrence with the Department Head, the County Manager may waive the notice requirement in cases where immediate separation is in the best interest of the County.

An employee who has resigned and considered *not* in good standing occurs when:

- A. An employee fails to submit a letter of resignation at least ten (10) working days prior to the effective date of resignation.
- B. An employee fails to report to work one (1) working day following a leave of absence without pay.
- C. An employee is absent from work three (3) consecutively scheduled working days without authorized leave.
- D. An employee resigns to avoid disciplinary action.
- E. A documented record of unacceptable personal conduct or unsatisfactory job performance.

An employee who resigns from County employment "Not in Good Standing" is normally ineligible for future employment with the County.

Upper management positions, such as Department Heads, should submit a letter of resignation with at least two weeks' notice; however, when possible, a 30-day notice is preferred. Department Heads should submit a letter of resignation directly to the County Manager, with exception of the Social Services and Health Director who shall submit a letter of resignation to their respective boards.

Section 2. Voluntary Resignation without Notice

An employee voluntarily terminates employment with Beaufort County by failing to report for work without giving written or verbal notice to the Supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the Department Head or Supervisor has taken reasonable efforts, such as calling the employee at the last known home telephone number to assess if the employee intends to return to work. Sick leave will only be approved during the final two weeks of a notice with a physician's certification verifying illness.

Such a separation is considered voluntary and carries no grievance or appeal rights granted to the employee.

All unused annual leave will be paid in a lump sum. Payment shall not be made for any unused sick leave.

Section 3. Retirement

County employees become "vested" in the Local Government Retirement System upon completing (5) years of full-time contributory service in a local government agency. Contributory service is time that the employee is in and paying the employee contribution into the Retirement System. An employee may retire when the employee is eligible for retirement based on Local Government Employees Retirement System eligibility. The Resources Department will assist the employee with the retirement process and any questions they may have. The Retirement System and the Local Government Employees' Retirement Handbook also provides information, policies, and procedures for the retirement process, including eligibility. The employee shall give a minimum of two weeks' notice of retirement but should inform the Department Head as soon as the decision is made to retire, up to six months in advance.

Section 4. Disability Retirement

An "vested" local government employee who can no longer perform the required duties of the position for which they were hired on a full-time basis because of a permanent physical or mental illness or impairment may apply for Disability Retirement. The Retirement System

Division Medical Review Board makes the eligibility determination. Disability Retirement is processed through Human Resources.

Section 5. Disability

An employee who can no longer perform the required duties of their position because of a physical or mental illness or impairment may be separated for disability. The employee or the County may initiate action. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head and in some cases, in coordination with the County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice. The County will address reasonable accommodations and other avenues of compliance with the American with Disabilities Act.

Section 6. The Disciplinary Process

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended, or dismissed by the appointing authority. Such actions may be taken against a Permanent County employee or a Career Status employee who occupies a position subject to the provisions of the State Human Resources Act.

A Permanent County employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. The Human

The Human Resources Director will be available to assist all parties with the procedures in taking or responding to disciplinary actions. All cases of disciplinary suspension, demotion or dismissal must be approved by the County Manager or Hiring Authority prior to giving final notice to the employee.

Employees employed by the Beaufort County Department of Social Services and the Beaufort County Health Department are directly subject to the State Human Resource Act disciplinary policy. General County Employees are not subject to this act. The State Human Resources Act does, however, provide the framework for which all disciplinary guidelines will be administered.

The Sheriff's Office and Register of Deeds and their respective employees are not subject to the above guidelines but are subject to the North Carolina General Statutes which provide the Sheriff and Register of Deeds the right to discharge an employee at will without any due process. Therefore, both department heads have the authority to determine the application of the steps within the outlined policy, if any at all.

Disciplinary actions shall be initiated by the Supervisor and/or Department Head and implemented with the concurrence of the Human Resources Director and final approval of the County Manager. The degree and type of action taken shall be based upon the sound and

reasonable judgment of the appointing authority in accordance with the provisions of this policy and only for just cause. When just cause exists, the disciplinary actions provided for under this Section are:

- A. Written disciplinary action.
- B. Disciplinary suspension without pay.
- C. Disciplinary Demotion
- D. Dismissal

There are two bases for the discipline or dismissal of employees under the statutory standard of “just cause” as set out in General Statute 126-35. These two bases are:

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

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

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

Employees that fail to meet the standards of the position description and fail to satisfactorily perform the job at an acceptable level are subject to the Disciplinary Process if a series of work performance conferences have been conducted and failed to obtain desired results. The following steps will occur when an employee demonstrated Unsatisfactory Job Performance:

1. *Written disciplinary action* – an employee who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance as directed, may receive a written disciplinary action. A disciplinary conference will be conducted with at least the Supervisor to inform the employee of the following:

- a. Specific deficiencies that are the basis for the written disciplinary action including specific examples that constitute evidence. Review reasonableness of standards and the impact of employee's failure.
- b. Specific improvements that must be made to correct the unsatisfactory performance.
- c. The time allowed to make said improvements.
- d. Consequences of failure to meet corrective action plan or any other performance/personal conduct requirements.
- e. Also include a brief summary referencing any previous disciplinary actions.

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

2. *Final written disciplinary action* – failure of an employee to respond to a written disciplinary action and/or the development of further job performance related issues may result in a final written disciplinary action. The Supervisor should work with the Department Head and a final written disciplinary action can only be issued with Department Head approval. A final written disciplinary action is the last step prior to dismissal. A final written disciplinary action shall proceed as follows:
 - a. A final written disciplinary action is prepared to the employee by both the Department Head and Supervisor in which specific reasons are included in the document.
 - b. A disciplinary conference will be conducted with the employee; at this conference, the specific reasons for the action, the necessary improvements and the time allowed to make improvements should be discussed.
 - c. The final written disciplinary action will then be presented to the employee in writing. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal.

For employees' subject to the provisions of the State Human Resources Act and who have received a written disciplinary action, the document shall be removed from the

employee's personnel file after a period of 18 months. For General County employees, the documentation may remain in the personnel record indefinitely. Written disciplinary actions are not grievable.

3. Dismissal – an employee of the County may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before dismissal shall occur, the following steps must be taken:
 - a. The Supervisor shall discuss with the Department Head the recommendations to dismiss for unsatisfactory job performance. Evidence must be shown that the employee is failing to perform any or all aspects of their job to an acceptable standard and to show that all previous attempts, including the Disciplinary Process, have failed to work to improve the employees job performance.
 - b. When a decision is made, a pre-disciplinary conference shall be scheduled with the employee in writing. A pre-disciplinary conference shall be conducted with the Supervisor, Department Head and/or Human Resources Director. The purpose of the pre-disciplinary conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision. Advanced written warning will be provided to the employee at least one working day prior to the conference. The management shall inform the employee that this will be a pre-disciplinary conference, and provide the time, date, and location of the conference; give specific reasons why dismissal is being considered and a summary of the information supporting that recommendation; indicate that action is being considered but not yet decided. The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or arguments to support his/her position. Every effort shall be set forth to ensure that the employee has full opportunity to present information on his/her behalf. No attorney for either side will be allowed in a pre-disciplinary conference. Management may have a second representative present and, if necessary, security personnel.
 - c. Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee for unsatisfactory job performance, a letter of dismissal shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any appeal rights set for the employee. Management shall determine the effective date for dismissal for unsatisfactory job performance. If the decision is to dismiss,

the decision shall not be communicated to the employee prior to the next business day, but before the end of the second business day.

B. Grossly Inefficient Job Performance – Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the work unit or agency; and the act or failure to act causes or results in:

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

In the case of Grossly Inefficient Job Performance, the employee may be immediately dismissed following a pre-disciplinary conference if the actions warrant, or the employee may be suspended, demoted, or have the Disciplinary Process under Unsatisfactory Job Performance implemented. The basis for the degree of action taken in a Grossly Inefficient Job Performance incident is measured on the specific incident and its consequence.

C. Unacceptable Personal Conduct – an act that is:

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

personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

Employees may be dismissed, demoted, suspended, or warned on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the employee.

Disciplinary demotions, suspensions, or dismissals for personal conduct require a written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal.

Prior to a dismissal of a General County employee with permanent status or an employee subject to the State Human Resources Act with career status, on the basis of unacceptable personal conduct; there shall be a pre-disciplinary conference between the employee and the person recommending dismissal and second Supervisory personnel or the Human Resources Director.

D. Other Types of Disciplinary Action

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

1. Disciplinary Suspension Without Pay:

- a. An employee may be suspended without pay for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or without prior warning or disciplinary action for any form of unacceptable personal conduct or grossly inefficient job performance.
- b. A disciplinary suspension without pay for an employee, subject to the provisions of the State Human Resources Act and overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full workday but may not be for more than two work weeks. The length of a disciplinary suspension without pay for any employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week but may not be for more than two full work weeks. For General County employees, the period of a disciplinary suspension without pay for the employee will typically be no more than two calendar weeks. In extenuating circumstances, the County Manager may provide approval authority for the period to be extended.

- c. Before an employee is placed on disciplinary suspension without pay, a Supervisor and/or Department Head must:
- d. Schedule and conduct a pre-disciplinary conference. The Supervisor and/or Department Head must give advance written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
- e. Give the employee a statement in writing telling the acts or failure to act that are the reason for the suspension and telling the employee of their appeal rights, if applicable.

2. Investigation with Pay

- a. Investigation with pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. Also, management may elect to use investigation with pay in order to avoid undue disruption of work or to protect the safety of persons or property. For employees that are subject to the provisions of the State Human Resources Act, an investigatory suspension with pay shall not exceed 30 calendar days. However, a Department Head may, in the exercise of his/her discretions, extend the period of investigation with pay, with the concurrence of the County Manager. The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension. For General County employees, the period of investigation with pay may not exceed two calendar weeks. In extenuating circumstances, the Department Head may request an extension from the County Manager.
- b. Investigation with pay of an employee shall not be used for the purpose of delaying an administrative decision of an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
- c. Placement on investigation with pay does not constitute a disciplinary action and is not subject to appeal.
- d. Department Head shall notify the employee, in writing, no later than the second scheduled workday after the beginning of the placement, of the reasons of the investigatory placement.

Disciplinary Demotion: An employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

1. For demotions based on job performance, an employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.
2. For demotion regarding personal conduct, an employee may be demoted for unacceptable conduct without any prior warning. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.
3. An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee. The written notice should address how and to what extent the demotion will affect the employee's salary and pay grade, and it is recommended that, if appropriate, a revised job description outlining the employee's revised duties and responsibilities be attached.
4. Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without a loss in pay. Or the employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. In no event shall an employee's pay be lowered below step one of his/her current pay grade unless the employee is demoted to a lower classification. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-disciplinary conference. Advance oral or written notice of the conference is required.

Section 7: Separation Due to Unavailability

An employee may be separated on the basis of unavailability for work when the employee becomes or remains unavailable for work after all applicable leave has been exhausted and management does not grant leave without pay or does not extend a leave without pay period for reasons deemed sufficient by the Department and the County. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and not a disciplinary dismissal. It may be appealed based on the appeal rights granted to the employee in the position as defined in this manual. Probationary and trainee employees have no appeal rights.

Definitions:

1. *Unavailability* – the employee’s inability to return to all of his/her position’s essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and/ or the employee and the Department cannot reach agreement on a return-to-work arrangement that meets both the operation needs of the Department and the employee’s health/medical needs.
2. *Applicable Leave Credits* – sick/annual/compensatory/shared/Family Medical Leave the employee exhausted prior to going on leave without pay.

Prior to separation under this policy, the Department Head and Supervisor shall meet with or at least notify the employee in writing of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are not possible, the Department Head must notify the employee of that fact and the proposed date of separation.

The Department Head must give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee’s grievance or appeal rights granted to them by their position.

Section 8. Reduction in Force for General County Employees

Periodically economic constraints or changing service priorities necessitate organizational restructuring, program modification or elimination and /or privatization of existing programs or services. Such changes may result in the need for the County to reduce the size of its workforce. The County is committed to accomplishing these reductions-in-force without layoffs if at all possible and, if not, to aid the transition of employees affected by a reduction-in-force into other employment outside the organization.

The County shall make every reasonable effort to retain the employee through transfer, promotion or demotion and shall further attempt, to the extent possible, to make necessary workforce reductions through normal attrition.

The authority and responsibility to initiate and implement a reduction-in-force, including layoff of employees, shall reside with the County Manager with the concurrence of the Beaufort County Board of Commissioners. For those County employees subject to the provisions of the State Human Resources Act, the authority and responsibility to initiate and implement a reduction-in-force including layoff of those employees shall reside with that respective agency director, with the concurrence of the appropriate governing Board.

For those county employees who are appointed by the Sheriff, the Register of Deeds and the Beaufort County Board of Elections, the authority and responsibility to initiate and implement a reduction-in-force policy including layoff of those employees shall reside with the Sheriff, Register of Deeds, and the Board of Elections respectively, and this reduction-in-force policy shall not apply to their employees.

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

Reductions involving Employee Layoffs: When it is determined that a reduction-in-force requires employee layoffs is necessary, retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service and relative efficiency. Such reductions shall be based on the following considerations:

- A. Disciplinary actions and other documentation as presented in the employee's personnel file.
- B. Length of Service will be determined based upon the service worked with Beaufort County.
- C. The final decision regarding which employees will be based on the recommendation of the Department Head, subject to the final approval of the County Manager.
- D. Employees separated from employment shall be given a minimum of a two-week notice.
- E. Employees subject to lay off shall have right of appeal in accordance with the County established grievance procedure.

Section 9. Reduction in Force Policy for Employees Subject to the State Human Resources Act (Health Department, Department of Social Services)

INTRODUCTION

This policy establishes guidelines for the administration of a reduction-in-force in which career status employees are separated due to curtailment of work, lack of funds, reorganization, or other significant changes in duties or organization.

AUTHORITY

The State Human Resources Commission authorizes the implementation of this policy and states the essential elements required of the agency in planning and executing a reduction in force. It is followed by agency guidelines for implementation. The policy states the following:

REDUCTION-IN-FORCE

“For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. No career status employee shall be separated while there are emergency, intermittent, temporary, probationary or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the career status employee is not willing to transfer to the position held by the non-career status employee, or the career status employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. A career status employee who was separated by reduction-in-force may be reinstated at any time in the future that suitable employment becomes available. The employer may choose to offer employment with a probationary appointment and experience standard for the class to which he is being appointed.”

POLICY

A career status employee of Beaufort County who is terminated in accordance with the provisions of this policy and who has a satisfactory employment record will be considered for any vacant position for which he/she meets job specific qualifications as stated in the job announcement. Copies of such job announcements will be forwarded to qualified individuals at the address provided by the individuals for a period of 12 months after the effective date of termination.

A career status employee who is separated due to reduction-in-force does not have the right to appeal that action.

GUIDELINES

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

Funding restrictions, reorganization, consolidation or abolishment of functions or organizational units, curtailment of work or activities, or other reasons may result in the need to abolish a position(s) or to so substantially redesign a position that the incumbent would not reasonably be considered a candidate for the new position because he/she lacks specific position qualifications requirements. When this

happens, the agency director shall examine the organizational and program scope of operations of the agency and designate a “layoff unit.”

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

1. Client service requirements
2. Legal mandates for programs
3. Impact on overall program objectives
4. Possible redistribution of available resources
5. Organization structure
6. Funding sources and budget guidelines
7. Composition of the work force
8. Economy and efficiency in service

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

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

All planning efforts dealing with the abolishment of position(s) shall reflect a review process identifying the reasons for and the results of the specific organizational program and/or position changes.

B. Employee Coverage and Exemptions

The reduction-in-force policy covers all career status employees as defined below:

For purposes of this policy, the term “career status” employee means a person who has satisfactorily completed twelve months employment in a permanent position with the agency.

C. Establishing a Plan and Procedure for Employee Separation

The necessary separation of employees in the layoff unit(s) shall be determined based on the systematic consideration of the type of employment, length of service and relative efficiency of the employees. The following factors shall apply in determining and scheduling employees for separation.

1. The type of appointment shall be the first determinant. No career status employee in an affected classification shall be separated while there is emergency, intermittent, temporary, probationary or trainee employees working in the same classification in the agency.
2. Separation of non-permanent employees shall be made in the following order:
 - a. Emergency, intermittent, and temporary employees. For this purpose, the three categories will be treated as one group.
 - b. Probationary and trainee employees in their first 6 months of the trainee progression. For this purpose, the two categories will be treated as one group. Non-career status employees shall be given written notice of separation as soon as possible in advance of the scheduled separation.
3. Separation of career status employees from positions in the affected classifications in the layoff unit shall be made after systematic consideration of length of service and relative efficiency. For the purposes of this policy, service standing shall be determined by length of continuous service (paid employment) with Beaufort County only. Service with other agencies will not be a part of this computation. Management also has the authority to determined length of service only within the respective agency.
4. Performance evaluations and warnings received in accordance with the provisions of the Agency's disciplinary action policy will be included in consideration of relative efficiency.
5. Nothing in this policy shall be interpreted as assigning to an employee the right to displace or "bump" a career status employee from a position order to create a vacancy.

D. Notice Requirements

After the necessary reduction-in-force decisions have been made through application of the above criteria, the Department Head shall give formal written notice to all career status employees scheduled for separation. The notice shall be given as soon as practical. The

Department Head shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction-in-force policy.

Section 10. Credentials

By statute and rules, some duties assigned to positions may be performed only by persons who are duly licensed, registered or certified as required by the relevant provisions. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by Beaufort County and/or by the State Human Resources Commission as well as documented in the position description for the position.

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with an agency, disciplinary action shall be administered as follows:

If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position, the employee must be dismissed.

In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken but the severity of the disciplinary action shall be at the discretion of the Department Head.

When credentials or work history falsification is discovered before employment with an agency, the applicant shall be disqualified from consideration for the position in question.

Section 11. Death

Payment for unpaid salary, unused vacation leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's estate. In the absence of an administrator, payment must be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment shall not be made for unused sick leave.

Section 12. Separation Procedures

At the time an employee is separated from Beaufort County service, either voluntary or involuntary, the Department Head shall:

1. Notify Human Resources immediately and submit a Personnel Action Form with separation letter and leave balances attached.
2. Ensure that an Exit Interview is scheduled with the Human Resources Department.
3. Complete the Employee Separation Checklist verifying that all County property has been returned and computer accesses have been disabled.
4. Payment of personnel leave will be made upon verification of the return of County personnel property.

ARTICLE X

PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

The Human Resources Director will maintain personnel records necessary for the proper administration of the County personnel system. Such records will be maintained in the County Human Resources Department (with the exception of documents pertaining to disciplinary issues at the Department of Social Services, Public Health Department and Sheriff's Office). The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes and legitimate personnel administration needs. Notwithstanding the provisions of G.S. 132-6 and the Public Records Law, House Bill 961, or any other general law or local act concerning access to public records, personnel files of employees, former employees or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the County with respect to that employee and, by way of illustration but not limitation, relating to his/her application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the County.

Section 2. Information Open to the Public

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

- A. Name of the employee
- B. Age of employee
- C. Date of original employment or appointment to County service
- D. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession
- E. Current position and title
- F. Current Salary
- G. The office to which the employee is currently assigned

- H. Date and amount of each increase or decrease in salary with the County
- I. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the County
- J. The date and general description of the reasons for each promotion with the County
- K. The date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the County
- L. For dismissals due to disciplinary reasons, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal

For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Refusal to comply with public records request may be challenged by the requesting party. If the challenging party prevails, party can be awarded attorney fees. The test to determine if attorney fees are awarded is whether the County was substantially justified in denying access to the record. Attorney fees can be charged directly to any public employee or public official individually if the court finds the refusal to provide public records was knowingly and intentionally committed in violation of the law.

As required by GS 153A-98, any employee may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions.

Section 3. Confidential Information

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

- A. The employee or his duly authorized agent may examine all portions of his personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- B. A licensed physician designated in writing by the employee may examine the employee’s medical record.

- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- E. An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- F. An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- G. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- H. The County Manager, with the concurrence of the Board of County Commissioners may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the Manager or Board shall determine in writing that the release is essential to maintaining public confidence in the administration of County services or to maintaining the level and quality of County services. This written determination shall be retained in the Office of the Manager or the County Clerk, is a record available for public inspection and shall become part of the employee's personnel file.

Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

- A. Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

- B. Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigations are completed, and no criminal actions taken, or until the criminal actions are concluded.
- C. Information that might identify an undercover law enforcement officer or a law enforcement informer.
- D. Notes, preliminary drafts and internal communications concerning any employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

The Board of County Commissioners may permit access, subject limitations they may impose, to selected personnel files by a professional representative of a training, research, or teaching purposes. This certification shall be retained by the County as long as each personnel file so examined is retained.

Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public-school employees.

Section 4. Employee Objections to Material in File

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

Section 5. Penalty for Permitting Access or Destruction of a Confidential File by Unauthorized Person

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

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

No public official may destroy, sell, loan or otherwise dispose of any public record without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually maintained; or whoever alters, defaces, mutilates or destroys it will be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court.

ARTICLE XI

IMPLEMENTATION OF PERSONNEL POLICIES BY RESOLUTION

Section 1. Conflicting Policies and Resolution Repealed

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

Section 2. Separability

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

Section 3. Effective Date

This Resolution passed and adopted by the Board of County Commissioners, Beaufort County, State of North Carolina, this ____ day of _____, _____.

Board of Commissioners, Chair

Clerk to the Board of Commissioners

Section 4. Amendments

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

ARTICLE XI

IMPLEMENTATION OF PERSONNEL POLICIES BY RESOLUTION

Section 1. Conflicting Policies and Resolution Repealed

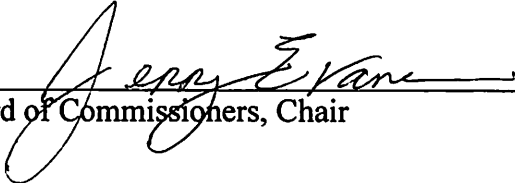
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Section 3. Effective Date

This action taken passed and adopted by the Board of County Commissioners, Beaufort County, State of North Carolina, this 1st day of April, 2019 and is effective July 1, 2019.



Board of Commissioners, Chair



Clerk to the Board of Commissioners

Section 4. Amendments

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendments to the policy, or any portion, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.