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# COUNTY OF MOORE

## PERSONNEL POLICY



Effective Date: November 17, 2009 Revised: January 8, 2019

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### ARTICLE I. ORGANIZATION OF THE PERSONNEL SYSTEM

#### **Section 1. Purpose**

The purpose of this Policy is to establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the County Manager, Board of County Commissioners, Sheriff, Register of Deeds, Board of Elections, Board of Health, Social Services Board and the Soil & Waters Conservation Board. State requirements will supersede these policies for positions subject to the State Personnel Act, whenever there is a conflict. This policy is established under the authority of the General Statutes of North Carolina.

It is a guide providing general information about policies and benefits. When this policy is presented to employees in the format of an employment policy, neither the policy nor any other County communication or practice creates an employment contract. The County reserves the right to make any changes in content or application or eliminate policies and benefits as it deems appropriate. Nothing in this Policy nor any other policy or communication changes the fact that employment is at-will for an indefinite period unless terminated by the employee or the County, except as otherwise governed by federal or state law.

#### **Section 2. Coverage**

All employees in the County's service shall be subject to this Policy except as noted. The following officials are exempt from this Policy: elected officials, appointed officials, and Independent contractors.

Employees of the Sheriff and Register of Deeds shall be subject to all sections of this Policy, except that the Sheriff and Register of Deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of 153A-103 of the North Carolina General Statutes. The Soil and Water Conservation Districts has the exclusive right to hire, discharge, and supervise the employees under the authority of 159 of the North Carolina General Statutes.

Employees governed by the provisions of Chapter 126 of the North Carolina General Statutes (State Personnel Act) shall be subject to all articles except when in conflict with Chapter 126, in which case the State Personnel Act shall prevail.

#### **Section 3. Responsibility of the Board of Commissioners**

The Board of Commissioners shall establish positions and policies, approve the Position Classification and Pay Plan, approve all new positions and new classifications, and make and confirm appointments when required by law.

#### **Section 4. Responsibility of the County Manager**

The County Manager shall be responsible to the Board of Commissioners for the administration of the Personnel Program and shall have full responsibility for all personnel functions. The County Manager shall appoint, suspend and remove all County employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager has designated the hiring authority to the Human Resources Director to the extent not inconsistent with law or the policy of the Board of Commissioners.

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### **Section 5. Responsibility of the Human Resources Director**

The County Manager may appoint a Human Resources Director who shall be responsible to the County Manager for administration of the Personnel Program. The Human Resources Director shall recommend rules and revisions of the personnel system to the County Manager for consideration. Any revisions to this Policy must be approved by the Board of County Commissioners.

### **Section 6. Responsibility of County Employees**

County employees are responsible for complying with the contents of this Policy. An employee, who violates any of the provisions of this Policy, or administrative policies as approved by the County Manager, may be subject to disciplinary actions such as: suspension, demotion, or dismissal in addition to any civil or criminal penalty.

### **Section 7. Departmental Procedures**

Due to the particular requirements of the various departments of the County, each Department Director is authorized to establish supplemental administrative procedures (Standard Operation Procedures) applicable only to the personnel of that department. All such procedures shall be subject to the review/approval of the County Attorney and County Manager and shall not in any way conflict with this Policy.

### **Section 8. Definitions**

**Adverse Action.** An involuntary demotion, an involuntary reduction in pay, involuntary transfer, suspension without pay, lay off or dismissal.

**Anniversary Date.** The employee's original date of uninterrupted employment with the County in a regular position.

**Appointing Authority.** Any board or position with legal or delegated authority to make hiring decisions.

**Applicant.** One who places himself or herself in competition for a vacant position by the virtue of completing and submitting an application for employment regardless of current employment status, (i.e., a current County employee becomes an applicant when an application for another position is submitted).

**Class.** A position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by a single title indicative of the nature of work performed, and carrying the same salary range.

**Cost of Living Adjustment.** A general pay increase granted to all employees in a fiscal year in response to inflation and labor market factors.

**Competitive Service Employee.** An employee of the Department of Social Services, the Health Department, or the Office of Emergency Management receiving federal grant-in-aid funds and subject to the State Personnel Act, Chapter 126 of the North Carolina General Statutes.

**Compensatory Time.** Time earned by a non-exempt employee for work in excess of a workweek.



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**Contributing Competencies.** Knowledge, skills, and abilities necessary to effectively perform a particular job as described for Steps 1, 2, 3, 4, or 5 of the position.

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

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

**Downgrade.** A change that results in a lower grade being assigned to a position based on duties, responsibilities, and reorganization or market surveys.

**Essential Positions:** Employee positions that are determined essential to the successful and efficient management of an emergency situation are as follows:

- Animal Shelter Attendants
- Automobile Mechanic
- E911 personnel
- Electrical Maintenance Technician
- Emergency Services/Public Safety and EOC staff (In accordance with EO Plan)
- Emergency Medical Services
- Equipment Operator
- Garage Supervisor
- HVAC Maintenance Technician
- Landfill Supervisor
- Maintenance Supervisor/Collections/Distributions/Water Quality
- Maintenance Supervisor
- Maintenance Technician
- Sheriff's Office field personnel
- Truck Driver
- Utility Maintenance Technician
- Utility Operations Manager
- Water Plant Operator
- Water Pollution Control Plant Operator
- Water Pollution Control Plant Mechanic
- Weighmaster

**Exempt Employee.** An employee not subject to Fair Labor Standards Act provisions regarding minimum wage and overtime compensation.

**Full Time Employee.** A salaried employee or position to which a salaried employee is assigned, scheduled for 40 hours or more per work week as can be a salaried or hourly employee.

**Hiring Rate.** Step 1 through the maximum salary levels for a given classification.

**Immediate Family.** Wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, step-child, stepbrother and stepsister.

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**Independent Contractor.** Per IRS Publication 15-A, an independent contractor is a person who performs services in which the payer only has the right to control or direct the result of the work, not the method. The designation of independent contractor will be determined by using the IRS 20-factor test which assesses the degree of control the County exercises over the way the work is performed. An Independent Contractor receives no fringe benefits.

**Just Cause.** Legally acceptable or sufficient reason.

**Merit Award.** A bonus payment awarded in a lump sum based on service that exceeds the expected performance of the assigned position.

**Non-Exempt Employee.** An employee subject to Fair Labor Standards Act provisions regarding minimum wage and overtime compensation.

**Part-Time Employee.** Hourly compensated employee or position to which an hourly employee is assigned, scheduled for work less than 40 hours per workweek.

**Pay Grade.** All positions that are sufficiently comparable to warrant one range.

**Pay Plan.** A schedule of pay ranges arranged by sequential grades.

**Pay Plan Revision.** The uniform raising or lowering of the pay ranges of every grade within the Pay Plan.

**Pay Range.** The minimum through the maximum salary levels for a given classification.

**Pay Range Revision.** The raising or lowering of the salary range for one or more specific classes of positions within the Position Classification and Pay Plan.

**Performance Evaluation System.** A review of an employee's performance based on standard personnel practices and performance principles.

**Performance Pay.** An increase as determined by the applicable Pay Plan and the County's annual budget based upon an employee's performance evaluation.

**Performance Principles.** A systematic and uniform method of personnel administration based on equal employment opportunity principles and designed to provide objective employment decisions.

**Position.** A group of current duties and responsibilities requiring the full or part-time employment of one person.

**Position Classification Plan.** A plan approved by the Board of County Commissioners that assigns classes (positions) to the appropriate pay grade, based on internal comparison and market surveys of relative duties and responsibilities.

**Position Specification.** Qualification standards required for an employee to progress through the Position Classification and Pay Plan.

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**Prior Service Credit.** A system for determining eligibility for employment and/or benefits, based on equivalent prior service to Moore County

**Probationary Employee.** An individual appointed to a regular position who has served less than 9 months in the position, or who has otherwise not completed specified prerequisites for attaining regular status. This may be based on initial hire, promotion, or transfer into another position.

**Promotion.** The reassignment of an employee to a position or classification in the County having a higher pay range than the position from which the reassignment is made.

**Reassignment.** Intradepartmental change of duty assignment within the same grade and based upon needs of the department, as determined in the sole discretion of the Department Director.

**Reclassification.** A change in a position from one class to another based on changes in the complexity and responsibility of, and the skill required to perform, the essential functions of the position.

**Reduction in Force.** The abolishment of or reduction of all or some portion of a position, based on the needs of the organization, work load, and availability of funding.

**Regular Employee.** An employee who has satisfactorily completed a probationary period and has been approved for regular status by his or her department director. If the employee hired is designated a trainee or is assigned to a "work against" position, the employee shall also satisfy the minimum education and work experience requirements of the position before attaining regular status (competitive service employees only).

**Regular Full-time Position.** A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which are required to be performed on a continuous basis, normally requiring full-time employment of an individual.

**Regular Part-time Position.** A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which are normally to be performed in less than a regular work day and/or workweek.

**Reorganization.** Due to changes in the organizational needs of a department or the County, the duties and responsibilities or technological requirements of a position may be reclassified, and a position may be abolished in full or in part, or a new position created.

**Resource Employee.** An individual who serves in a position without benefits and for an indefinite duration.

**Retaliation.** Any form of adverse reaction to a lawful and protected action by an employee.

**Steps.** Method of progression through the five contributing competency ranges.

**Temporary Employee.** An individual appointed to serve in a position for a definite duration, not to exceed 12 months.

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**Temporary Position.** A position for which the duties and responsibilities are required to be met for a limited period of time, normally not to exceed 12 months, and which may or may not require attendance by an individual for a full work day and/or workweek.

**Transfer.** Change of duty assignment as a result of any employee becoming an applicant and being selected for a vacant position within the County.

**Upgrade.** A change that results in a higher grade being assigned to a position with the same job responsibility.

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### ARTICLE II. CLASSIFICATION PLAN

#### **Section 1. Policy Statement**

All positions covered by the plan are classified according to their duties, responsibilities, qualifications needed of incumbent employees, and other related factors. In order to assure its continuing value as a personnel management tool, the Position Classification Plan shall be maintained and updated to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions.

#### **Section 2. Adoption**

The Position Classification Plan, approved by the Board of County Commissioners, is the official Position Classification Plan for the County of Moore.

#### **Section 3. Allocation of Positions**

Upon recommendation of the Human Resources Director, the County Manager shall allocate each position covered by the classification plan to its appropriate class and salary grade in the plan. The Board of Commissioners is responsible for approving the total number of positions.

#### **Section 4. Administration of the Position Classification Plan**

The Human Resources Director 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. Upon classification, each position shall be assigned to a salary grade in the Position Classification Plan.

4.A. Department Directors shall be responsible for bringing to the attention of the Human Resources Director:

- 4.A.1. The need for new positions, and
- 4.A.2. Material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

4.B. The Human Resources Director will recommend to the County Manager to either:

- 4.B.1. Allocate the new position to the appropriate class within the existing classification plan, or
- 4.B.2. Recommend that the Board of Commissioners amend the Position Classification Plan to establish a new class to which the new position may be allocated.

New positions shall be established only with the approval of the Board of Commissioners.

4.C. When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director will recommend to the County Manager to:

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- 4.C.1. Direct that the existing class specification be revised,
- 4.C.2. Reallocate the position to the appropriate class within the existing classification plan, or
- 4.C.3. Recommend that the Board of Commissioners amend the Position Classification Plan to establish a new class to which the position may be allocated.

### **Section 5. Amendment of the Position Classification Plan**

Classes of positions shall be added to and deleted from the Position Classification Plan by the Board of Commissioners based upon the recommendation of the County Manager.

### **Section 6. Procedures for Change**

The Position Classification Plan may have classes added or deleted annually as part of the budget process, or as needs of the County organization require. The Board of Commissioners shall approve the creation or deletion of any class.

When a Department Director believes that a new class is needed, either to add a new type of work or to reflect additional levels of work within an existing series of classes, the Director shall furnish the Human Resources Director with a written statement of proposed duties for the new class, and other information as necessary.

A class shall be deleted from the Position Classification Plan when the Board of County Commissioners, with the recommendation of the County Manager, has determined that it is no longer needed for the positions in the County organization.

### **Section 7. Reclassification of Positions**

When a Department Director believes that a substantial change has occurred in the level of duties and responsibilities of an existing position, the Department Director shall submit in writing to the Human Resources Director a detailed job description, related justifications and his/her recommendations.

The County Manager shall review the recommendation and shall approve, disapprove or reclassify the position to an existing classification or recommend the establishment of a new class for approval by the Board of County Commissioners.

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### ARTICLE III. PAY PLAN

#### **Section 1. Adoption**

The Pay Plan, as approved by the Board of County Commissioners, is adopted annually as the official Pay Plan for Moore County.

#### **Section 2. Administration, Maintenance and Transition of the Pay Plan**

The County Manager shall be responsible to the Board of Commissioners for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation for all positions, when considered in relation to each other, to general rates of pay for similar employment in the private and public sectors, to changes in the cost-of-living, to the financial conditions of the County and other relevant factors. To this end, the County Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners such changes as the County Manager may deem appropriate. When transitioning into a new pay plan, as practical as possible, the change will have no negative impact on an employee salary.

#### **Section 3. Hiring or Starting Salary**

Each employee, except those competitive service employees with trainee/work against status, shall be paid at least Step 1 within the pay range established for the classification of the position. Appointment above Step 1 will be based upon comparing the employee qualifications to the position specification, verified employment and/or education history. The applicant will be placed within the salary range after evaluating the employee's qualifications with the position's specifications.

#### **Section 4. Hourly Rate of Part-Time Employee**

The hourly rate paid to part-time employees is set out in the Pay Plan adopted annually by the Board of Commissioners as part of the budget process.

#### **Section 5. Salary Adjustments**

The Human Resources Director shall be responsible for administering all adjustments. Employees shall be advised of all salary changes.

5.A. Salary adjustments may occur as a result of the following:

- 5.A.1. Cost-of-Living Adjustment - The Board of Commissioners may grant all employees in service to the County a cost-of-living adjustment each fiscal year as directed in the annual budget.
- 5.A.2. Performance Pay - Performance pay may be funded in the annual budget, and is awarded based on the annual performance review. An employee will be eligible for performance pay if he/she is at Step 5 or above and meets the position specifications. Performance pay is effective on the first day of the next pay period following the employee's employment anniversary date. All documentation must be received before the payroll deadline date of the pay period in which the performance pay is due. When an employee's annual salary is at or near the maximum of the pay grade, the employee shall receive the portion of the performance pay that exceeds the maximum pay of the pay grade as a lump sum payment.

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- 5.A.3. Below proficient rating - An employee whose annual performance is rated below proficient shall receive a 3.25% decrease in salary until such time as the performance is rated at proficient or above. The supervisor and employee shall develop a 60 day work plan for performance improvement to the proficient level. The work plan for performance improvement shall be in writing and a copy shall be placed in the personnel file. The employee's progress shall be reviewed at 30 days after entering into a work plan for performance improvement and discussed with the employee. This 30 day review shall be acknowledged in writing. Failure to achieve a rating at proficient or above at the end of 60 days shall result in disciplinary action up to and including dismissal. The decrease in salary is effective on the next pay period following the date of receipt of the below standard rating. If after 60 days, performance returns to proficient or above, the employee will return to previous salary and will remain there until the next annual evaluation. All documentation must be received before the payroll deadline date of the pay period in which the decrease is assessed.
- 5.A.4. Demotion - An employee may receive a decrease in salary due to a demotion to a lower salary grade as determined by the Department Director, subject to review and approval by the Human Resources Director and the County Manager.
- 5.A.5. Reclassification - When a position is reclassified to a higher grade, the County Manager has the discretion to:
- 5.A.5.a. Adjust the salary upward, provided that the adjusted salary does not exceed the maximum of the new salary range, or
- 5.A.5.b. To leave the salary unchanged, except when the salary is below Step 1, in which case the salary shall be brought up to Step 1 of the new classification. When a position is reclassified to a lower class and the employee is receiving a salary above the maximum rate established for the new class, the salary of the employee shall be maintained at that level until such time as the position's pay range is increased above the employee's current salary.
- 5.A.6. Negotiated increase - Other salary increases may be granted from time to time with the approval of the County Manager or other hiring authority, as applicable. The County Manager or other hiring authority, as applicable may increase the annual salary of an employee when the employee's position is known to be one that is hard to fill or the market rate exceeds the current rate of pay or when the employee assumes additional duties and responsibilities. The salary after any such increase may not exceed the maximum of the salary range.
- 5.A.7. Progression through the Contributing Competencies (Steps 1, 2, 3 and 4 only) - An employee who meets the position specification for the next applicable step prior to his/her anniversary date will be moved to the appropriate step within the established County of Moore Classification and Pay Plan, effective the next pay period after meeting the applicable contributing competency. For the purposes of the Step System, 1 year is equal to 2080 hours worked. The employee must be performing at a proficient level in order to be considered for the next step.



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5.A.8. Trainee/work against to full class (competitive service employees only) - When a trainee or employee classified as a “work against” meets the minimum requirements for the position (full class), the salary shall be adjusted upward to the minimum of the position's salary range unless otherwise negotiated at the time of hire. Approved leave without pay shall not count as time worked toward meeting the minimum requirements for the position.

5B. Effective date of salary adjustments - Salary adjustments shall generally be effective on the first day of the next pay period following the change.

5.C. Merit awards - Merit award funds may be funded by the Board of Commissioners during the annual budget process. If so designated, merit awards shall be allocated in a manner determined by the County Manager. Employees in regular, budgeted positions working a minimum of 20 hours per week are eligible to receive merit awards. Eligible employees may be granted lump sum merit awards at any time during the budget year. Merit awards should follow incidents or periods of outstanding job performance.

### **Section 6. Pay Periods**

All employees shall be paid bi-weekly, 2 weeks in arrears. The usual payroll is every other Thursday; if the scheduled payday is a holiday, employees will be paid the last working day prior to said holiday. Pay is made by direct deposit to the employee's banking accounts.

### **Section 7. Payroll Deductions**

Payroll deductions specifically mandated or authorized by law shall be deducted from each employee's pay and shall include:

- 7.A. Federal income tax
- 7.B. State income tax
- 7.C. Social security
- 7.D. North Carolina Local Government Employees' Retirement System, or Law Enforcement Officers' Benefit and Retirement Fund.

Other deductions which may be taken include optional United Way contributions, retirement plan contributions, insurance benefit payments and other voluntary deductions approved by the County Manager, in accordance with applicable law.

### **Section 8. Salary at Separation**

The final scheduled payroll will be paid 2 weeks in arrears. The final payment paid to the employee will include annual leave, compensatory time and overtime amounts due. An employee who separates from employment with the County will receive an appropriate reduction in final pay if there is a negative balance in leave.

### **Section 9. Advance on Wages**

There shall be no advance on wages.

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### ARTICLE IV. RECRUITMENT AND SELECTION

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

It is the policy of the 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 the County. This policy is achieved by announcing all position vacancies, by evaluating all applicants using the same criteria, or by applying testing methods through the Employment Security Commission. All appointments, promotions and other personnel transactions shall be made solely on the basis of merit and fitness for duty. The County of Moore is an equal opportunity employer. All applicants for job openings are considered for employment without regard to race, color, sex, religion, disability, national origin, or age as provided by law.

#### **Section 2. Recruitment Requirements**

The Human Resources Director shall be responsible for an active recruitment program to meet current and projected manpower needs through procedures that will assure equal employment opportunities based on reasonable performance-related job requirements. To accomplish this, the efforts of the Human Resources Director and all County departments must be coordinated in a timely manner. The Human Resources Director and Department Directors shall jointly determine whether a position vacancy will be recruited by internal, external or concurrent postings.

#### **Section 3. Position Vacancy Announcements**

Vacant positions shall be reviewed by the Department Director and the Human Resources Director to determine if the position is appropriately classified, if the position should be filled, how the posting and recruitment should be handled and the necessary job requirements.

Positions which are to be posted internally to current County Employees shall be posted for at least 5 working days. Positions which are posted and advertised externally shall be posted for a minimum of 10 working days and shall include information pertinent to the position, including at minimum, the title, salary range, key duties, knowledge and skill requirements, minimum education and experience standard, department, special certification or licensing requirements and application closing date. This posting shall be in the Moore County vacancy listing as well as posted with the local Employment Security Commission office and, as determined appropriate, advertised through the media, schools and professional sources.

If a position has been advertised recently and an adequate number of applications exist, the County may not be required to re-advertise.

#### **Section 4. Residency Requirement**

The County Manager (by contract) and the Assistant County Manager shall be required to reside within Moore County or to relocate into the County within nine (9) months of the first day of employment or promotion. This shall be a condition of employment and/or promotion and all applicants shall be so advised. Failure to comply may result in disciplinary action up to and including termination.

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### **Section 5. Applications for Employment**

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment. Applicants will be considered on the basis of their qualifications and suitability for the position, including, but not limited to, relative ability, knowledge and skills, educational background and any special licenses or certifications which may be required. All applications must be made through the Human Resources Department.

Applicant information is confidential in accordance with North Carolina General Statutes §153A-98 and other applicable laws.

### **Section 6. Applicant Tracking**

Human Resources shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process and the pool of applicants considered for each vacancy.

The applicant pool data for each position shall include interview information, and test scores, where applicable, for each position vacancy announcement, as well as other documentation required by applicable federal, state or local law. An alphabetical list of all applicants shall be maintained by Human Resources.

### **Section 7. Application Reserve File**

Applications for employment shall be kept in an active file for one (1) year and then in a reserve file for one (1) year in accordance with the County of Moore Management Records Retention and Disposition Schedule.

### **Section 8. Qualification Standards**

All applicants considered for employment or employees considered for internally-posted openings shall meet the qualification standards established by the Position Classification Plan. All appointments shall be made on the basis of equal employment opportunity principles.

Qualifications shall be reviewed periodically to assure that requirements are fair and conform to actual job performance requirements.

### **Section 9. Selection for Employment**

Department Directors shall develop, use and document, on a consistent basis, a selection process which fairly assesses the aptitude, education and experience, knowledge and skills, character, and other qualifications required for positions in the service of the County and provide the information to Human Resources Department.

### **Section 10. Conditional Offer of Employment**

In order to protect the person and property of citizens and clients of the County of Moore, the County, in its sole discretion, may require that additional tests or investigations be conducted after making a conditional offer of employment, but before making a final offer of employment. Such additional tests or investigations are determined by the position being filled, and may include, but are not necessarily limited to the following: credit checks, typing tests, driving tests and finger printing, all in accordance with applicable law.

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Once an applicant is extended a conditional offer of employment, the applicant may be required to undergo an examination for physical, mental or emotional fitness for duty. The appropriate test will be based on bona fide occupational qualifications. Unsatisfactory results from such testing will result in the conditional offer of employment being withdrawn.

Applicants shall be required to undergo substance abuse screening prior to being made a final offer of employment, in accordance with the County of Moore Substance Abuse Policy adopted by the Board of Commissioners.

All positions (full-time, part-time, volunteer, resource and temporary) within Moore County shall require a background check. Applicants shall complete a Background Check Consent Form prior to the check being conducted. Refusal to sign the disclosure authorization statement will constitute grounds to discontinue any employment or volunteer consideration for that candidate. Background checks will be discussed with the Department Director on an as-needed basis. Background check results will be maintained in a highly confidential manner. It shall be the responsibility of the Human Resources Director, under the direction of the County Manager, to qualify/disqualify applicants to hire or volunteer. Should there be a disagreement between the Human Resources Director and the Department Director on the results of the check, the County Manager shall be the final authority. The Board of County Commissioners shall be the final decision maker for the appointed positions of County Manager, Clerk to the Board, County Attorney and Tax Administrator. The Sheriff and Register of Deeds will make the final decision on their employees. The Boards of Elections, Health and Social Services will be the final decision maker for their appointed directors.

A background check shall consist of a review of national and local criminal records to include convictions and/or pending charges. Additionally, a United States National Sex Offender Registry and also known as (AKAs) search shall be conducted.

No final employment or volunteer applicant will be approved if convicted of a felony crime involving theft, burglary, embezzlement, robbery, fraud, bribery, misappropriation, assault, kidnapping, child abuse, rape, crime against nature, homicide, incest, indecent liberties, indecent exposure, obscenity, and sexual assault. For a felony conviction not listed above and for any misdemeanor, the County will consider length of time since conviction, nature of crime, circumstance surrounding the commission of the offense or offenses, evidence of rehabilitation, number of prior convictions, and age of the person at the time of occurrence.

No individual who applies for employment or to volunteer to work with children, seniors, individuals with disabilities or animals shall be approved if convicted of any misdemeanor or felony crimes involving assault, kidnapping, child abuse, rape, crime against nature, homicide, incest, indecent liberties, indecent exposure, obscenity, or sexual assault.

In the event that disqualifying information is revealed during the background check process, applicants shall be notified that the Conditional Offer is being withdrawn. Applicants shall have the right to appeal the disqualifying decision to the County Manager in writing within 5 business days from the date of receipt of the rejection notification letter. Applicants applying for positions at the Sheriff's Office, Register of Deeds, Department of Social Services, Health Department, Cooperative Extension, Soil & Water and Board of Elections shall appeal to their board or their highest level of management, whichever is appropriate.

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Evidence that a check was conducted, date and type of background check, and a sufficient record of a disqualifying outcome must be maintained by Human Resources. A copy of the disqualification notification to the applicant and the background check record must be retained in the position vacancy file.

Evidence of a background check that results in an employee being approved for hire should be filed separate from their personnel file.

Employees and volunteers working with children, seniors, individuals with disabilities and/or animals are subject to an annual background check as defined above.

### **Section 11. Appointments**

All appointments to positions with the County shall be made on the basis of job related qualifications, skills and the needs of the County.

Before any commitment is made to an applicant, the Department Director shall forward the applicant's completed application form and completed employment verification form to the Human Resources Director with a recommendation concerning the position to which the applicant is to be appointed, and the applicant's placement on the established Moore County Position Classification and Pay Plan and the reasons for selecting the particular applicant over others.

After investigating the qualifications and experience of the applicant and upon successful completion of a background check and substance abuse screen, the Human Resources Director shall approve or reject the appointment to the position and the starting salary of the employee. In the office of the Sheriff, Register of Deeds, and Board of Elections, the hiring authority in each respective office or board shall make the appointment to the position and determine the starting salary, as outlined in the Moore County Position Classification and Pay Plan..

### **Section 12. Probationary Period of Employment**

A probationary period of 9 months from the date of hire shall be served by all employees in allocated positions in the service of the County except for employees of the Sheriff or the Register of Deeds.

The probationary periods shall be extended for any amount of time the employee is on approved leave without pay. An employee in serving a probationary period following initial appointment may be dismissed at any time during the probationary period with or without cause.

The successful completion of this probationary period should not be construed as creating a contract, or as guaranteeing employment for any specific duration or as establishing a just cause termination standard. Supervisors are required to hold a 6 month performance conference to inform the employee in writing of job performance. The supervisor shall be responsible for evaluating the performance of the employee during the probationary period and shall complete a 9 month performance evaluation on or before the completion date of the probationary period. Before completion of the probationary period, all Department Directors, except the Sheriff and Register of Deeds, shall indicate in writing to the Human Resources Director all of the following:

12.A. That the employee's supervisor has discussed the new employee's progress (accomplishments, strengths and weaknesses) with the new employee;

12.B. Whether the new employee is performing satisfactory work; and

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12.C. Whether the new employee is recommended for regular status or recommended for termination of employment.

### **Section 13. Regular Status**

Regular status shall be granted to all fully qualified employees in officially budgeted regular positions after satisfactory completion of the 9 month probationary period. Notwithstanding "regular designation," employees of the Register of Deeds and Sheriff serve at the pleasure of the Register of Deeds and Sheriff respectively.

If a regular employee is transferred to another position as a reduction in force, a new 9 month probationary period shall be established as a condition of transfer.

### **Section 14. Promotion**

A probationary or regular employee may be a candidate for promotion and shall be chosen on the basis of qualifications and work record. When a vacancy for a higher-level position occurs within the employee's department and the employee who meets the minimum qualifications applies for that position, performance appraisals and work records shall be carefully examined before the appointment is recommended to the Human Resources Director. When a current employee is chosen for a vacant position, the Department Director shall forward the request to the Human Resources Director with recommendations for classification and salary along with reasons for selecting the employee over other applicants. After considering the recommendations, the Human Resources Director shall confirm or reject the appointment and determine the starting salary of the employee.

If a regular employee is promoted to another position in the County, a new 9 month probationary period shall be established as a condition of promotion.

### **Section 15. Demotion**

The County recognizes two types of demotion – non-disciplinary and disciplinary. A demotion is a change in job responsibility to a position in a lower salary range. A Department Director may demote an employee under the following conditions:

15.A. Non-disciplinary - When the Department Director determines that the employee is unable to perform in the current position, but shows promise of becoming a satisfactory employee in a lesser position, an assignment to a lesser position may be made without an application process and if a position is available; and

15.B. Disciplinary - When an employee's performance or conduct is sufficient to satisfy grounds for a dismissal, a Department Director may consider demotion in lieu of dismissal, pursuant to Article VIII of this Policy.

### **Section 16. Transfer**

If a vacancy occurs and a probationary or regular employee wishes to be considered for the appointment, an application must be forwarded to Human Resources during the recruitment period for the position, and must meet the minimum qualifications of the class. This application will be considered along with others submitted. Transfers occur when an employee moves to the same classification or to another class at the same or lesser salary grade.

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### **Section 17. Performance Evaluation**

Supervisors and/or Department Directors shall conduct performance evaluation conferences with each employee at least once per year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be established by the County Manager and Human Resources.

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### ARTICLE V. CONDITION OF EMPLOYMENT

#### **Section 1. Gifts and Favors**

No employee shall accept any gift, favor or thing of value that may tend to influence the employee in the discharge of duties. No employee shall grant in the discharge of duties any improper favor, service or thing of value. This section is not intended to prevent a gift a public servant would be permitted to accept under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets.

#### **Section 2. Political Activity Restricted**

No employee shall:

- 2.A. Engage in any political or partisan activity while on duty, or while wearing a County uniform;
- 2.B. Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
- 2.C. Be required as a duty of employment or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- 2.D. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- 2.E. Use any funds, supplies or equipment of the County for political or partisan purposes. Employees in certain federally-aided programs are subject to the Hatch Act as amended in 1975. This federal act prohibits candidacy for elective office in a partisan election.

#### **Section 3. Secondary or Outside Employment**

Full-time employment with the County will take precedence over other employment interests of employees. All outside employment for salaries, wages or commissions, and all self-employment, must be reported to and approved by the employee's Department Director before such work is to begin. The Department Director will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service. The Department Director will report potentially conflicting employment to the County Manager. The assumption of outside employment without prior approval by the County will be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal. The employee will be given written notification of approval to work before such work begins, which will be placed in the employee's personnel file.

While an employee is on Family Medical Leave, secondary employment is prohibited.

#### **Section 4. Endorsement of Any Business**

County employees are prohibited from endorsing or soliciting for any business, service, or program not related to County government during regular work hours.



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### **Section 5. Limitation on Employment of Relatives**

The employment of immediate family within the same department is prohibited. This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with this Section prior to the adoption of this policy.

Immediate family is defined for the purpose of this Section Only as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those names.

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

### **Section 6. Smoking Policy**

All Moore County Governmental Property is smoke free and includes but is not limited to cigarettes, tobacco, and devices such as e-cigarettes, pipes and vaporizers. The use of these items is prohibited in/on all Moore County property including vehicles, grounds, and parking lots and inside/outside all County owned/leased facilities.

### **Section 7. Improper Dating**

It is the policy of Moore County that supervisors are not to date their subordinates, and any occurrence must be immediately reported to the Human Resources Director. Any employee knowing of any such dating arrangements must report it immediately to the Human Resources Director.

### **Section 8. Workplace Harassment**

Moore County is committed to maintaining a work environment that is free of discrimination and harassment. Harassment of any person because of gender, race, color, age, religion, disability, ancestry or national origin is strictly prohibited, whether directed at an employee, vendor or customer. Any such harassment is prohibited whether or not it also violates the equal employment opportunity laws. This applies to all employees of Moore County at every level.

No one may threaten or imply that an employee's submission to or rejection of sexual advances will in any way influence any decision about that employee's employment, advancement, duties, compensation or other terms or conditions of employment. No one may take any personnel action based on an employee's submission to or rejection of sexual advances.

No one may subject another employee to any unwelcome conduct of a sexual nature. This includes, but is not limited to, unwelcome physical conduct, such as touching, blocking, staring, making sexual gestures, making or displaying sexual drawings or photographs and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes and other sexual comments. An employee's conduct will be considered unwelcome and in violation of this Policy when a reasonable person knows or should know such conduct is unwelcome to the person subjected to it.

No one may harass anyone because of that person's race, color, age, religion, ancestry or national origin. Examples of conduct prohibited include, but are not limited to, using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.

8.A. Making Complaints and Reporting Violations Employees are encouraged to report conduct that they believe may be prohibited harassment, even if they are not sure that the conduct violates the

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policy. If an employee believes he or she is the victim of harassment, that employee is requested and strongly encouraged to make a complaint to Moore County within 15 calendar days of the alleged harassing action. However, all reports of harassment will receive a prompt, impartial, and thorough investigation, regardless of the timing of the complaint. The employee is not required to complain first to the person who is harassing him/her. The employee may complain directly to his/her supervisor, Department Head or the Human Resources Director. Similarly, if an employee observes a harassment of another employee, he/she is requested and encouraged to report this to one of the persons described above. Any supervisor who observes harassment or receives a report of harassment shall immediately report the matter to the Human Resources Director in writing. Supervisors who fail to forward complaints to the Human Resources Director as prescribed in this section shall be subject to discipline up to and including dismissal.

8.B. Investigation of Complaints and Reports - Moore County will promptly, impartially, and thoroughly investigate any complaint or report of a violation of workplace harassment. A thorough investigation can take several weeks in some cases. An employee may at any time ask the Human Resources Director about the status of the investigation. Employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment.

Considering the sensitive nature of harassment complaints, every effort will be made to keep the complaint and the name of the employee confidential and on a need to know basis. The identity of individuals who report harassment, alleged victims, witnesses, and alleged harassers will be kept confidential to the extent possible and permitted by law, consistent with a thorough and impartial investigation. Reports, including the final report, will be distributed only to persons having a need or right to know. Employees involved in any investigation, whether as complainant or alleged harasser, witness or investigator should keep all discussions or communications confidential.

Harassment investigation files shall remain separate and apart from personnel files. Neither the claimant nor the alleged harasser has a right to the contents of these files. Any personnel action, such as discipline, resulting from an investigation, shall be placed in the file of the person whom the complaint is brought against. The contents of these files are confidential and protected by federal, state and local laws.

Moore County will take prompt disciplinary and remedial action if its investigation shows a violation of this Policy. Depending on the circumstances, the disciplinary action may range from a warning to a dismissal from employment. Disciplinary action for retaliation against an employee for reporting harassment will be severe and swift, and may include termination of employment.

A complaint or report that this Policy has been violated is a serious matter. Dishonest complaints or reports are also against our Policy and Moore County will take appropriate disciplinary action if its investigation shows that deliberately dishonest and bad faith accusations have been made.

No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resources Director.

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### Section 9. Workplace Violence

It is the intent of Moore County to provide a workplace for County employees that is free from violence by establishing preventive measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform his or her job. In implementing this policy, the County is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide employees with a safe and healthy work environment.

9.A. Workplace Violence Coverage - This policy applies to all employees of the County. For purposes of this policy, violent conduct is defined as abusive language, verbal threats, intimidation, coercion, aggressive or threatening behavior, fighting, physical assault and/or battery, and other expressed or implied threats of harm. This policy applies to violent conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a County employee's ability to perform the assigned duties and responsibilities.

Although it is not possible to set forth an all-inclusive list of all conduct that may constitute acts covered by this policy, the following examples may be illustrative:

- 9.A.1. Belligerence, bullying, or other inappropriate and aggressive behavior;
- 9.A.2. Brandishing a weapon or bringing an unauthorized weapon to the workplace;
- 9.A.3. Reference to weapons, incidents of workplace violence, or use of violence to solve problems; or
- 9.A.4. Misuse of authority vested to any employee of the County in such a way that it violates this policy.

A violation of this policy shall be considered unacceptable personal conduct. An act of off-duty violent conduct may also be grounds for disciplinary action.

9.B. Reporting Responsibilities - All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence. All reports of violence will be handled in a confidential manner, with information related only on a need-to-know basis. Reports shall be made to the Human Resources Director or the Department Director immediately. Law enforcement shall be informed as appropriate. All reports shall be investigated. Employees who have obtained judicial protective or restraining orders should inform the Human Resources Director and law enforcement immediately. Management shall be sensitive and responsive to employees' fear of reprisal.

9.C. Retaliation - This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

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### **Section 10. Criminal Convictions**

All employees shall report in writing any conviction for a criminal offense to the Department Director (and/or Human Resources) within 2 business days following the conviction. Non-moving violations (e.g. expired vehicle inspections, license plates, registrations, or improper equipment) and warning citations need not be reported, unless otherwise required under the Vehicle Fleet Policy.

Employees failing to report convictions shall be subject to disciplinary action up to and including termination. Convictions reported shall be evaluated with regard to the employee's position to determine whether disciplinary action is merited.

Moore County shall have the right to perform criminal background checks on any current employee or volunteer if there is a reason to believe the employee or volunteer has been arrested, convicted of, or pled guilty to any criminal offense involving moral turpitude, whether misdemeanor or felony, and based upon a report from an identifiable, reliable source.

### **Section 11. Personal Appearance and Behavior**

Discretion in style of dress and behavior is essential to the efficient operation of Moore County Government.

Employees are expected to be neat, clean and well-groomed while on the job. All clothing must be consistent with the standards for a professional environment and not attract undue attention or serve as a distraction to others. Attire must also be appropriate to the type of work being performed and take into account the expectations of any customers served.

For general office attire, the key is a professional, conservative business appearance. Employees who are issued standard uniforms are expected to wear the complete issued uniform at all times during the performance of County-related work duties.

Unacceptable attire includes but is not limited to the following: T-shirts, shorts, cutoffs, athletic wear, spandex or Lycra such as biker shorts, tank tops, tube tops, halter tops with spaghetti straps, underwear as outerwear, beach wear, midriff length tops, provocative attire, off-the-shoulder tops, flip-flop style sandals, jewelry that interferes with the employee's ability to perform his/her job duties.

Employees are expected to be professional and courteous in all interactions while performing work duties. Conduct that is likely to cause another employee, citizen, or vendor of the County embarrassment, loss of dignity, feelings of intimidation or the loss of opportunity is unacceptable behavior.

Department directors and supervisors are responsible for monitoring and enforcing this policy. Employees failing to adhere to proper dress appearance for their job may be asked to leave County premises to correct their appearance on their own time. Failure to comply with either appearance or behavior requirements may be subject to disciplinary action.

### **Section 12 Essential Positions**

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Employee positions that are determined essential to the successful and efficient management of an emergency situation are defined in Article I, Section 8 of the Personnel Policy. These individuals are expected to report for work when contacted by County Officials. Essential Personnel will be placed in an “alert” status. Essential personnel who are on alert status shall be available to report to work within one hour as needed. Essential non-exempt personnel will be compensated at the appropriate on-call rate for the period they are on alert. If during the alert period essential personnel are called to report for work, they will be compensated as follows:

Non-exempt Essential Personnel Will be paid according to the Fair Labor Standards Act

Exempt Essential Personnel Exempt personnel who are required to work in the EOC or are involved in providing other emergency protective measures during an emergency with duration of more than seventy-two (72 hours) will receive pay covering all hours worked. Pay will be calculated using a flat hourly rate per individual based on his/her hourly pay rate at the time of the event as determined in the approved County of Moore Position Classification and Pay Plan

For events with duration of less than seventy-two hours (72 hours), the County Manager may at his discretion grant compensatory time to exempt personnel.

**NON-INCLUSIVE EXAMPLES:**

Event Officially Begins	Event Officially Ends	Non-Exempt	Exempt
5:00 p.m. Thursday	5:00 a.m. Sunday (Total of 60 hours)	Employees will be paid for all hours worked according to the FLSA.	Employee will be paid regular wages
5:00 p.m. Thursday	6:00 p.m. Sunday (Total of 73 hours)	Employees will be paid for all hours worked according to the FLSA	Employee will receive pay for all hours worked calculated at a flat hourly rate based on his/her hourly rate of pay.

## ARTICLE VI. ATTENDANCE AND LEAVE

**Section 1. Workweek**

The standard workweek for payroll purposes shall be from 12:01 a.m. Saturday through 12:00 midnight on Friday.

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### **Section 2. Hours of Operation**

The regular hours of operation of County offices are between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal hours of operation for that department. No County office shall be closed at any time without prior knowledge and approval of the County Manager or his/her designee.

### **Section 3. Work Schedules**

The Department Director, in developing the work schedule, must ensure that every office, division, section or unit is to be adequately staffed during operating hours. Adequate lunch periods are defined as no less than 30 minutes to no more than 1 hour.

Employees in exempt positions shall work the number of hours necessary to assure the satisfactory performance of their duties. , but no less than forty (40) hours per week.

Any variable work schedule options (flextime schedule) made available to one employee in a work unit must be made available to all employees in the work unit. It is the responsibility of the Department Director to establish guidelines regarding the flextime schedule.

When a department flextime schedule has been coordinated and approved by the Department Director, such schedule(s) shall be submitted to the Human Resources Director for review, and then forwarded to the County Manager for final approval.

### **Section 4. Overtime**

The County abides by all applicable sections of the Fair Labor Standards Act (FLSA), 29 USC §201 et seq., as amended. This overtime policy is applicable only to employees of Moore County who are non-exempt under the FLSA.

It is the responsibility of Department Directors and supervisors to manage overtime work within the availability of funds in the departmental budget for overtime pay.

4.A. Recordkeeping - Employees governed by the overtime provisions of the FLSA shall maintain true, complete and legible time records. All time worked shall be recorded to the nearest minutes and shall be submitted to the supervisor in a timely fashion. The County will properly record all applicable overtime accrued for each covered employee. This will be strictly adhered to by all agents of the County, including Department Directors, supervisors and individuals in management.

4.B. Compensatory Time (Comp time) - Compensatory time is time allowed off from work in lieu of payment for time worked. It is the policy of the County to award compensatory time at time and one-half for hours worked over 40 per week, or in the case of law enforcement, as specifically set out below. Comp time is applicable only to employees of Moore County who are non-exempt under the FLSA.

Supervisors have the right and obligation to manage compensatory time. Therefore, supervisors are required to monitor time and have the right to require the employee to take time off to manage compensatory time hours. During the same pay period, a time-off plan where the employee is furloughed may also be used. Employees shall exhaust compensatory time before taking sick leave, vacation leave or leave without pay.

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4.B.1. Employees may be awarded compensatory time in lieu of overtime payments for each hour of overtime worked as follows:

4.B.1.a. Law enforcement personnel - Law enforcement personnel shall be awarded compensatory time at time and one-half when the hours worked in a 28 day work period exceed 171 hours, and at straight time for hours worked in a workday over the regular schedule when total hours are not in excess of 171 hours in the 28 day period. Compensatory hours may be accrued up to a maximum of 60 hours unless otherwise approved by the County Manager, Assistant County Manager or Human Resources. If not approved to exceed 60 hours, all compensatory time earned in excess of 60 hours shall be paid as overtime.

4.B.1.b. Rate of overtime pay when working at two different rates of pay. Employees working at multi-rates of pay are paid based on the average rate of pay as calculated pursuant to the FLSA, 29 C. F. R. § 778.112.

4.B.1.c. Other employees - Employees whose work schedules are other than those set out above shall be awarded compensatory time at time and one-half when the hours worked in a workweek exceed 40 hours and at straight time for hours worked in a workday over the regular schedule when total hours are not in excess of 40 hours in a workweek. Compensatory hours may be accrued up to a maximum of 40 hours unless otherwise approved by the County Manager, Assistant County Manager or Human Resources. If not approved to exceed 40 hours, all compensatory time earned in excess of 40 hours shall be paid as overtime.

4.C. Hours Worked - When computing hours worked under the FLSA, each workweek must stand alone. The FLSA does not permit the averaging of hours over 2 or more weeks, with the exception of law enforcement.

Hours worked is the time for which an employee is entitled to overtime compensation under the FLSA.

Compensation is required for the time an employee is required to be on duty, on the employer's premises, or at a prescribed workplace, and for the time the employee is suffered or permitted to work, whether or not requested to do so.

Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an 8 hour workday or 40 hour workweek, except in those cases where additional hours of work are necessary.

Supervisors shall not allow and employees shall not volunteer to work over-time without receiving compensation.

Employees are expected to work during all assigned periods exclusive of mealtimes. Employees are not to perform any work at any time that they are not scheduled to work unless they receive prior approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the

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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 after the overtime work has begun.

Vacation, sick, and holiday leave are not considered hours worked for FLSA purposes.

Training-related time, either to increase efficiency or as recommended or required by the employer, is counted as hours worked for purposes of calculating overtime. Time spent by an employee during the regular workday adjusting a grievance under the County Grievance Policy is considered hours worked for purposes of calculating overtime.

All travel time which is required by the County other than the normal commuting time between home and job is considered hours worked for the purposes of calculating overtime.

4.D. On-call - Employees required to work while on-call shall receive overtime for all time actually spent in the service of the department in excess of their regular work schedule. A minimum of two (2) hours shall be guaranteed any employee on call when the employee is required to leave home to conduct duties except when the two (2) hours crosses over into the employee's regularly scheduled workday. When the employee's regular work day begins, on call time ends. If the employee is required to leave home, the recording of time shall begin when the employee leaves home and shall conclude when the employee returns home. Telephone calls while on call shall be counted as time earned for the duration of the call. Time available shall be treated as on-call duty only as required by the FLSA or other applicable law.

4.E. Overtime at Separation - All accrued overtime hours shall be compensated at the average regular rate received by the employee during the last 3 years of employment or at the regular rate of pay upon any employee's separation, whichever is higher, consistent with regular payroll practices.

### **Section 5. Holiday Leave**

5.A. Designated Holidays - The following days and such other days as the Board of Commissioners may designate are holidays with pay for eligible employees and officers of the County:

- 5.A.1. New Year's Day
- 5.A.2. Martin Luther King, Jr. Day
- 5.A.3. Good Friday (The Friday prior to Easter)
- 5.A.4. Memorial Day
- 5.A.5. Independence Day
- 5.A.6. Labor Day
- 5.A.7. Veterans Day
- 5.A.8. Thanksgiving Day
- 5.A.9. Friday After Thanksgiving Day
- 5.A.10. Christmas (see schedule below)

When a holiday other than Christmas is on a Saturday, the preceding Friday shall be observed as a holiday. When a holiday other than Christmas is on Sunday, the following Monday shall be observed as a holiday.

The County observes the following schedule regarding Christmas Day. When Christmas Day falls on the days noted in the table below, then the following days are observed as holiday:



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Sunday	Friday ,Monday and Tuesday
Monday	Monday ,Tuesday and Wednesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday, Friday and Monday
Saturday	Thursday, Friday and Monday

Regular part-time employees having a workweek with 20 hours or more shall earn holiday leave and be paid for 4 hours per day.

5.B. Holiday Credit for 24 Hour Services: Each employee that provides 24 hour services will be compensated by adding 8 hours to the employee's vacation leave balance for each holiday day. Time provided may be used in accordance with established leave policies.

5.C. Working on a Holiday for Non 24 hour Service: Floating holidays may be granted to employees who must work on the holiday due to the nature of their position and schedule. Floating holidays are not considered hours worked and are compensated at straight time.

### **Section 6. Vacation Leave**

6.A. General Provisions - Vacation leave is earned and accrued from the first day of employment for eligible employees. Vacation leave must be approved by Department Director based on established timelines set forth in the department.

6.B. Initial Appointment/Probationary Employees - Employees serving a probationary period following initial appointment may accumulate vacation leave but shall not be permitted to take vacation leave during the first 6 months of the probationary period. Exceptions may be approved by the Department Director. This provision does not apply to employees serving a probationary period as a result of a transfer or promotion.

6.C. Manner of Accumulation - For the purpose of earning and accruing annual leave, the period of 12 calendar months between January 1 and December 31 is established as the leave year.

6.C.1. Full-time employees who work at least 87.65 hours per calendar month will accrue leave for that month, except that EMS 24 hour employees shall work 139.65 hours per calendar month.

6.C.2. Part-time employees who work at least 44.33 hours per calendar month will accrue leave for that month.

6.C.3. Employees who are on FMLA leave and who have exhausted all sick and vacation leave shall be considered to have worked for purposes of accumulating leave under this paragraph.

6.C.4. Eligible employees working the standard workweek shall earn vacation leave at the following rates:

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Accrual Code	Years of Aggregate Service	Accrual Hours per Month
80	Less than 2 years	8
81	2 years but less than 5 years	9
82	5 years but less than 10 years	11
83	10 years but less than 15 years	13
84	15 years but less than 20 years	15
86	20 years or more	17

6.C.5. Regular part-time employees having a workweek with 20 hours or more shall earn 4 hours of vacation leave each month.

6.D. Leave accrual is based on current creditable aggregate service. Any regular employee who transfers from another unit of North Carolina local or state government shall have their years of service (determined by the current creditable number of years in the North Carolina Local Governmental Employees' Retirement System, the North Carolina Law Enforcement Retirement System, or the State of North Carolina Employees' Retirement System) credited toward the County's schedule for determining vacation leave rates (see accrual code above). No aggregate service credit will be allowed if the aggregate service time has been or will be used to qualify for other retirement system benefits.

6.E. The County will not transfer vacation leave from another jurisdiction.

6.F. Maximum Accumulation - Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated vacation leave shall not exceed 240 hours. On December 31, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation converted to the sick leave balance so that only 240 hours are carried forth to January 1 of the next calendar year.

6.G. Manner of Taking Leave - Vacation leave may be taken as earned by a regular employee subject to the approval of the supervisor. Vacation leave must be taken in one-half hour increments. Comp time must be taken before vacation or sick leave.

6.H. Retention of Benefit Status - Those employees who are promoted or transferred within Moore County Government will retain all leave credits and other related benefits.

6.I. Payment for Accumulated Vacation Leave Upon Death - The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account not to exceed a maximum of 240 hours.

### **Section 7. Voluntary Shared Leave**

In cases of prolonged medical condition, an employee may apply to become a recipient of leave transferred from the vacation and/or sick leave account of another employee within County Government. For purposes of this Policy, medical condition means the medical condition of an employee or an immediate family member (spouse, parents, children or other dependents living in

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the employee's household) of such employee that is likely to require an employee's absence from work for a period of 4 work weeks or more, and is likely to result in a substantial loss of income to the employee due to limited leave in the employee's account. The intent of this Policy is to allow employees to assist one another in case of a crisis involving a serious or prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, short term medical conditions or illnesses.

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

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

This Policy does not apply to employees on workers compensation leave.

Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave must sign a release form and cannot receive remuneration for leave donated. Any donation of sick and/or vacation leave must be done on a voluntary basis. Solicitation on the part of Department Directors or supervisors is prohibited. An employee shall not directly or indirectly intimidate, threaten or coerce any other employee for the purpose of interfering with any right an employee may have in donating, receiving or using annual leave under this program. Such action by an employee will result in disciplinary action up to and including dismissal on the basis of personal conduct.

The Privacy Act makes medical information confidential; therefore, prior to making the employee's status public for the purpose of receiving shared leave, the employee must sign a release to allow the status to be known.

The Human Resources Director is responsible for administering the shared leave program. Each case will be examined and decided based on its conformity to policy intent and must be handled consistently and equitably. Participation in this program shall be based on the applicant's and donor's past compliance with leave rules.

### 7.A. Guidelines:

- 7.A.1. Applicant must be a probationary or regular full time employee.
- 7.A.2. Applicant must have exhausted or will exhaust all sick, annual and compensatory leave to be eligible; the applicant's sick leave and annual leave balance must be zero.
- 7.A.3. The applicant anticipates being out 4 weeks or more.
- 7.A.4. Applicant shall apply to the Department Director for participation; the Department Director shall review the request and forward to Human Resources with the recommendation to approve or not approve.

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- 7.A.5. The application shall include name, title, department, and description of medical condition, doctor's statement, and estimated length of time needed to participate in program.
- 7.A.6. The amount of donated leave is not to reduce the donor's vacation leave balance below 80 hours
- 7.A.7. The amount of donated leave is not to reduce the donor's sick leave balance below 240 hours
- 7.A.8. The maximum amount of leave donated may be no more than 96 hours for sick per rolling year, either continuously or, for the same condition on a recurring basis.
- 7.A.9. The maximum amount of leave donated may be no more than 96 hours for vacation per rolling year, either continuously or, for the same condition on a recurring basis.
- 7.A.10. The minimum donation at one time is 4 hours.

### 7.B. Accounting and Usage Procedures

- 7.B.1. Human Resources, in conjunction with Financial Services, shall establish a system of leave accountability, which will accurately record leave donations and recipient's use. Such accounts shall provide a clear and accurate record for financial and management audit purposes: maintaining file of donors and the amount of leave donated; notifying recipients and donors of when leave is granted and the amount granted.
- 7.B.2. Actual transfer of donated leave will occur at the end of each pay period. This will eliminate the possibility of the recipient having unused donated leave in his or her sick leave account after the approved need has ended.
- 7.B.3. Approved recipients may start receiving shared leave as of the first day they would go into Leave without Pay status. At the expiration of the medical condition, any unused leave in the recipient's donated leave account shall be administered as follows:
  - 7.B.3.a. The vacation and sick leave account balance shall not exceed a combined total of 40 hours.
  - 7.B.3.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 1 hour shall not be returned, based on the approved accrual rate.

### Section 8. Sick Leave

8.A. General Provisions - Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Board of Commissioners for the benefit of an eligible employee.

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Sick leave shall be used by an employee absent from work for any of the following reasons: sickness, bodily injury, illness of self, child, spouse or parent, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work might jeopardize the health of others.

Sick leave may be used for death in the employee's immediate family, but may not exceed 5 days for any one occurrence, except by special permission from the Department Director or County Manager. Immediate family for the purposes of bereavement shall include spouse, parent, guardian, child, sister, brother, grandparent, and grandchild, plus the various combinations of half, step, in-law and adopted relationships, as well as official foster care placements, that can be derived from those names.

Requests to take sick leave should be submitted to the employee's immediate supervisor 3 days prior to the leave for a scheduled appointment and as soon as reasonably possible when calling in sick. Sick leave must be taken in one-half hour increments. Sick leave may be taken as earned. Comp time must be taken before vacation or sick leave.

### 8.B. Manner of Accumulation

8.B.1. Each full-time regular or probationary employee shall earn 12 days of sick leave annually, or 8 hours each month.

8.B.2. Part-time regular employees having a workweek with 20 hours or more shall earn 4 hours of sick leave each month.

8.B.3. Full-time employees who work at least 87.65 hours per calendar month will accrue sick leave for that month,

8.B.3 a EMS 24/48 hour employees shall work 139.65 hours per calendar month.

8.B.4. Part-time employees who work at least 44.33 hours per calendar month will accrue leave for that month.

Employees who are on FMLA leave and who have exhausted all sick and vacation leave shall be considered to have worked for purposes of accumulating leave under this section.

8.C. Maximum Accumulation - Sick leave will be cumulative for an indefinite period.

8.D. Physician's Certificate - The employee's supervisor or Department Director may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave to insure that there is no abuse of sick leave privileges.

8.E. Retirement Credit for Accumulated Sick Leave - Retirement credit is allowed for days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System, in accordance with the Retirement System's policies, as periodically amended.

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8.F. Transfer - The County will allow a new employee to transfer previously accumulated sick leave from another unit of North Carolina local or state government provided the separation from that unit is within 1 year of employment with the County and documentation is provided.

### **Section 9. Family and Medical Leave Act of 1993/Military Family Leave Entitlements**

9.A. Purpose of Family and Medical Leave Act of 1993 (FMLA) - 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 the 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 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.

9.B. Eligible Employees and Reasons for Leave - Except as otherwise noted below, a regular employee who has been employed with the County for at least 12 months and who has worked at least 1250 hours (half-time) during the previous 12 month period is entitled to a total of 12 workweeks, paid or unpaid leave, during any 12 month period for one or more of the following reasons under the basic leave entitlement:

- 9.B.1. For the birth or placement for adoption or foster care of a child and to care for the child provided the leave is taken within a 12 month period following such event. This applies to both parents. When both parents are employed by the County, they are limited to a total of 12 weeks of leave per 12 month period.
- 9.B.2. For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition. However, when a husband and wife both work for the County, they are limited to a total of 12 weeks of leave in a 12 month period for the care of a parent.
- 9.B.3. For the employee who has a serious health condition that makes the employee unable to perform the functions of his/her position.

9.C. Military Family Leave Entitlements - An eligible employee, defined in 9.B., who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave shall only be available during a single 12 month period. During the single 12 month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave for any FMLA qualifying reason. Only 12 of the 26 weeks total may be for a FMLA qualifying reason other than to care for a covered service member.

- 9.C.1. Military Caregiver Leave - For the employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled to a total of 26 workweeks of leave during a single 12 month period to care for the service member.
- 9.C.2. Qualifying Exigency Leave - Grant an eligible employee up to a total of 12 workweeks of leave during the normal 12 month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son,

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daughter, or parent is on active duty, or has been notified of an impending call or ordered to active duty in support of a contingency operation.

9.D. For purposes of this Section Only, a workweek is defined as the number of hours an employee is regularly scheduled to work each week.

Leave without pay beyond the 12 week period or for employees not covered under the Family and Medical Leave Policy will be administered under the Leave Without Pay Policy. Under these circumstances, employees must pay for their health benefits coverage.

9.E. Temporary Employees - This Policy does not cover temporary employees since the maximum length of a temporary appointment is 1 year; however, if, by exception, a temporary employee is extended beyond 1 year, the employee would be covered if he/she had worked at least 1250 hours during the previous 12-month period. Any leave granted to a temporary employee would be without pay.

9F. Definitions - The following definitions apply to this Section Only:

9.F.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.

9.F.2. Child - is son or daughter - a biological, adopted, foster, step-child, legal ward, or a child of a person standing in loco parentis who is

9.F.2.a. Under 18 years of age or

9.F.2.b. Eighteen years of age and older and incapable of self-care because of a mental or physical disability.

9.F.3. Spouse - A husband or wife as recognized under state law.

9.F.4. Serious health conditions - An illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider.

9.G. Leave Charges - When using Family and Medical Leave Act leave, an employee shall exhaust available compensatory, sick and vacation leave as appropriate before going on leave without pay. Periods of paid leave and periods of leave without pay count towards the 12 workweeks which the employee is entitled. The County uses a "rolling" 12 month period measured backward from the date an employee uses any Family and Medical Leave Act leave.

9.H. Intermittent Leave or Reduced Work Schedule - Pursuant to this Policy, an employee may not take leave intermittently or on a reduced work schedule for a childbirth and birth-related child care or for adoption unless the employee and County agree otherwise.

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

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employee has a serious health condition. If such leave is foreseeable, based on planned medical treatment, the agency 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.

When an employee is on a reduced work schedule, the time not worked is counted against the total 12 workweeks or the 26 workweeks if the leave is qualified under the Military Caregiver Leave.

9.I. Employee Responsibility - The employee shall apply in writing to the supervisor for leave requested under this policy as follows:

- 9.I.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 birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as possible.
- 9.I.2. Planned Medical Treatment - When the necessity for leave is to care for the employee's child, spouse or parent or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as to not unduly disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse, or parent. The employee must also give 30 days notice if practicable of the intention to take leave.

The employee shall be deemed to have applied for leave under this policy when the employee is on approved leave but has not given written notice of the intent to take family or medical leave to the supervisor, and the basis of the leave falls within the scope of this Policy. This includes worker's compensation leave. In these cases, the County shall notify the employee that time spent on paid leave or leave without pay is part of the 12 workweeks of leave.

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

- 9.I.3. Military Family Leave Entitlements - Employees seeking to use Military Caregiver Leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable, but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

9.J. Certification - For leave pursuant to this Policy, the County may require that a claim for leave because of adoption be supported by reasonable proof of adoption.

- 9.J.1. The County may require that a claim for leave because of serious illness of the employee or of the employee's child, spouse, or parent be supported by a doctor's certification which includes the following:

- 9.J.1.a. The date on which the serious health condition began;



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- 9.J.1.b. The probable duration of the condition;
  - 9.J.1.c. The appropriate medical facts regarding the condition;
  - 9.J.1.d. Statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed; or that the employee is unable to perform the functions of the position, whichever applies; and
  - 9.J.1.e. Where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
  - 9.J.1.f. Where the County has reason to doubt the validity of the certification, the County may require the employee to get the opinion of a second doctor designated or approved by the County. Where the second opinion differs from the opinion in the original certification provided, the County may require the employee to get the opinion of a third doctor designated or approved jointly by the County and the employee. The third opinion is final and is binding on the County and the employee. The County may require that the employee get subsequent recertification on a reasonable basis. The second and third certification and the recertification will be at the County expense.
- 9.J.2. The County may require that a request for military family leave be supported by an appropriate certification. The County may require that:
- 9.J.2.a. Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for  
  
which leave is sought, including contact information if the leave involves meeting with a third party
  - 9.J.2.b. Leave to care for a covered service member with a serious injury or illness be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

Second and third opinions and recertification are not permitted for certification of a covered service member's serious injury or illness or of a qualifying exigency. The County may use a health care provider, a human resource professional, a leave administrator, or a management official - but not the employee's direct supervisor - to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, the County may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

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### 9.K. Employment and Benefits Protection

- 9.K.1. Reinstatement - The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The County may require the employee to report at reasonable intervals to the Department Director and/or County Manager on the employee's status and intention to return to work. The County also may require that the employee receive certification that the employee is able to return to work.
- 9.K.2. Benefits - The employee shall be reinstated without loss of benefits accrued when the leave began.
- 9.K.3. Health Benefits - The County shall maintain coverage for the employee under the County's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. 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.

### 9.L. Interference with Rights

- 9.L.1. 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.
- 9.L.2. Protected Activity - It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:
  - 9.L.2.a. Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this Policy;
  - 9.L.2.b. Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this Policy; or
  - 9.L.2.c. Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this Policy.

9.M. Enforcement - A violation of or denial of leave requested pursuant to the Family and Medical Leave Act of 1993 or the Military Family Leave Entitlements can result in any of the following or a combination of any of the following, and are enforced by the U. S. Secretary of Labor:

- 9.M.1. U. S. Department of Labor investigation;
- 9.M.2. Civil liability with the imposition of court cost and attorney's fees; or
- 9.M.3. Administrative action by the U.S. Department of Labor.

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Any employee that knowingly provides false information for the purpose of obtaining such leave or uses FMLA leave for purposes other than those approved may be subject to having said leave withdrawn, losing all benefits accrued during said leave period and disciplinary action.

### **Section 10. Leave Without Pay**

A regular or probationary employee may be granted leave without pay for up to 6 months by the County Manager.

#### 10.A. Reason for Requesting Leave without pay

10.A.1. Personal Disability where the employee shall use sick and vacation leave before taking leave without pay.

10.A.2. Continuation of education that would benefit the County.

10.A.3. Other reason deemed justified by County Manager.

#### 10.B. Manner of Approval

10.B.1. Employee shall apply in writing to the department head for leave.

10.B.2. Department Head shall make a recommendation for approval or non-approval.

10.B.3. Department Head shall forward the request and recommendation to the County Manager.

10.B.4. The County Manager will approve or disapprove the request and return the decision to the employee and department director

10.C. The employee is obligated to return to duty within or at the end of leave without pay. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same or a similar position, seniority and pay held at the time leave was granted. If, at the expiration of leave without pay, the employee decides not to return to work, the County Manager should be notified immediately. Failure to report at the expiration of leave without pay, unless an extension has been requested and granted, shall be considered a resignation.

10. D. Leave without pay may also be used by the County as a form of disciplinary action. If an employee is placed on disciplinary leave without pay, the employee may not use accrued paid leave to substitute the leave without pay.

10.E. An employee ceases to earn all leave credits on the date leave without pay begins. The employee will have the financial responsibility through COBRA for their health benefits when on approved leave without pay for four consecutive weeks unless the County Manager grants continuation of county health benefits during the approved leave status.

### **Section 11. Workers' Compensation Leave**

When an employee is injured on the job as a result of a compensable accident and who loses time from work may draw benefits due under the North Carolina Workers' Compensation Act by choosing one of the following options:

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11.A. Option 1: Elect to take accumulated sick or vacation leave during the required waiting period and then go on workers' compensation leave and begin drawing workers' compensation weekly benefits..

11.B. Option 2: Elect to go on workers' compensation leave with no pay for the required waiting period and then begin drawing workers' compensation weekly benefits.  
Once an option has been selected by the employee, it may not be rescinded for the duration of the claim.

If the employee qualifies, Family Medical Leave Act (FMLA) leave will run concurrent with Workers Compensation leave. Once FMLA has been exhausted, the employee may request Leave Without Pay as defined in Section 10 of this Article. Leave Without Pay status will have no impact on the employee's Workers Compensation claim or benefits.

Upon reinstatement, an employee will have his/her salary computed on the basis of the employee's last salary plus any increase to which the employee would have been entitled during period covered by workers' compensation and enrollment to health insurance benefits. While on workers' compensation leave, the employee shall continue to accumulate vacation and sick leave to be credited to the employee's account for use upon return to permanent duty. If the employee does not return to permanent duty from workers' compensation leave, vacation accumulated **only during the first 12 months of workers' compensation leave** will be exhausted by a lump sum payment, along with other unused vacation leave which had been accumulated at the time of the injury not to exceed 240 vacation hours. Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be eligible under the Workers' Compensation Act.

### **Section 12. Modified Duty for Work Related Accidents or Injuries**

Modified duty is defined as a temporary change in an employee's physical requirements, hours of work, or any other limiting factor, caused by a medical condition as certified by an authorized health care provider that prevents an employee from performing one or more of the essential duties of his/her

regular position with the County. Only medically authorized and specifically defined duties will be considered by Moore County for modified duty.

Only work related accidents or injuries will be eligible for modified duty. In order for an employee to be considered for modified duty, a written signed authorization from a County-approved medical professional must be furnished. The authorization must detail specific physical duties the employee can and cannot perform along with anticipated duration of the condition. It is the responsibility of Human Resources and the respective Department Director to accommodate for the employee's limitations, either by minimizing the physical demands of his/her regular job or seeking another position within the County which meets the specific recommendations as specified by the authorized health care provider. The employee may not use sick leave, annual leave, or leave without pay in lieu of returning to work while on modified duty status.

If available, modified duty will be provided until the employee reaches maximum medical improvement (MMI)

Upon completion of the modified duty period, medical certification must be provided to the Human Resources Department PRIOR to returning to regular duty.

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In the event the County cannot provide modified duty work the employee will be placed on Workers' Compensation Leave as discussed in Section 11.

### **Section 13. Leave During Inclement Weather: Emergency Closing**

Moore County employees can anticipate occasional periods of inclement weather each year. It is the employee's discretion to report to work at his/her assigned time and place during inclement weather and make provisions for safe travel to and from work. It is the employee's responsibility to advise his/her supervisor of his/her decision to not report to work. In extreme cases, the County Manager or his or her designee, in the interest of employee safety and welfare, may close the County offices or shorten the hours of operation to cope with the weather situation. In this situation, non-essential personnel are not to report to work. The County Manager, at his discretion may open county government for employee's only. If this is the case, employees are expected to use discretion in reporting to work. Non-essential employees choosing to not report to work may utilize vacation leave or compensatory time. When closure or delayed opening is necessary for a department, or for a particular division/unit of a department, the Department Director shall obtain the approval of the County Manager or his/her designee. Announcements of closing or curtailing hours of operation will be made through automated telephonic announcement, email notification and/or the local media.

Employees of 24 hour per day operations are required to remain on duty until relieved by employees of the next scheduled shift. Employees in positions classified as Essential Positions are expected to report to work when contacted by County Officials and/or remain at work until released by County Officials.

Non-essential employees who are absent from work due to inclement weather or other emergencies will be required to take leave only for those hours the department is officially open during their work schedule.

An employee will be considered for Administrative Leave, during an inclement weather event if he/she:

- 13.A. Is scheduled to work on the day in which inclement weather alters the County offices standard work day AND
- 13.B. Is scheduled for actual hours in which offices are closed.

At no time will the use of Administrative Leave result in the employee being paid for more hours than his/her regular work day.

Administrative Leave may be granted by the County Manager to employees in Essential Positions if they are unable to report for their regular scheduled shift due to legitimate environmental conditions that preclude them from traveling to the worksite.

NON-INCLUSIVE EXAMPLES

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Event	Employee	Non-Exempt	Exempt
Late Opening	Elects not to report	Must use Vacation Leave for those hours the department is officially open during his/her work schedule	Must use Vacation Leave for those hours the department is officially open during his/her work schedule
Late Opening	Reports to work	Paid for actual time worked plus Administrative Leave to equal standard work day	Receives full day pay
Late Opening	Reports later than announced opening	Paid for actual time worked and Administrative Leave for hours closed and must use annual leave to equal standard work day	Receives full day pay
Late Opening	Is scheduled for annual (vacation) or sick leave	Uses Vacation or Sick Leave for those hours the department is officially open during his/her work schedule for unless on FMLA	Uses Vacation or Sick Leave for those hours the department is officially open during his/her work schedule for unless on FMLA
County Offices Closed	Is scheduled to work	Awarded Admin Leave for the day	Awarded Admin Leave for the day
County Offices Closed	Is scheduled for annual or sick leave	Awarded Admin Leave for the day	Awarded Admin Leave for the day
Early Closing	Elects not to report	Must use Vacation Leave for those hours the department is officially open during his/her work schedule	Must use Vacation Leave for those hours the department is officially open during his/her work schedule.
Early Closing	Reports to Work	Paid for actual time worked plus Admin Leave to equal standard work day	Receives full day pay
Early Closing	Leaves work earlier	Paid for actual time worked and Admin Leave and must use annual leave to equal standard work day	Receives full day pay
Early Closing	Is scheduled for Vacation or Sick leave	Uses Vacation or Sick Leave for those hours the department is officially open during his/her work schedule unless on FMLA	Uses Vacation or Sick Leave for those hours the department is officially open during his/her work schedule unless on FMLA

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### **Section 14. Military Leave**

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed 10 work days for military training leave annually with partial compensation. Written requests for leave shall be made to the Department Director and forwarded to the Human Resources Director. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a County employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or a guardsman 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.

If such military duty is required beyond this 10 workday period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Regular employees who are guardsmen and reservists have all job rights specified in the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. In order to receive pay for this leave, an employee must submit a record of his/her military pay to the Finance Officer immediately upon return from leave.

### **Section 15. Civil Leave**

A regular full time and regular part time County employee called for jury duty or subpoenaed as a court witness for the federal or state governments or a subdivision thereof, shall be allowed leave with pay for such duty during the required absence, without charge to accumulated vacation or sick leave.

Any County employee subpoenaed as a witness for court appearances *in connection with his/her official duties for the County*, must remit to the County any witness fees awarded by that Court for court appearances. Any County employee who receives a travel allowance for such a court appearance shall remit that allowance to the County unless the employee used his/her personal vehicle for travel; however, for such court appearance the employee shall first attempt to secure the use of a County vehicle.

Any County employee who must attend or appear in court for personal matters, or matters in which the employee is a party, shall use vacation leave or leave without pay.

**Section 16. Community Involvement Leave:** Employees may be granted a maximum of eight (8) hours of leave per employee per fiscal year for participation in school activities of their children or for volunteer activities conducted in a community organization. Schools shall include public and private, day-care and preschool. Volunteer opportunities can be performed in government, non-profit, religious, or civic organizations. Community Involvement Leave may not be used for partisan political activity. This leave will be paid for full-time regular employees and is unpaid for all other employees. Employees must have successfully completed six (6) months of employment to be eligible for

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Community Involvement Leave. Community Involvement Leave does not accrue and has no value at separation.

### Section 17. Administrative Leave

The County Manager, for purposes considered to be in the public interest, in cases of civil disturbances, severe weather conditions, or in such other circumstances as good judgment and common practice would dictate may authorize leave with pay.



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### ARTICLE VII. EMPLOYEE BENEFITS

#### Section 1. Coverage

The benefits provided for under the provisions of this article are subject to the policies and procedures of the respective insurance providers and/or underwriters and Moore County does not guarantee or warrant any benefits.

#### Section 2. Group Health and Dental Insurance

The County shall make medical and dental insurance coverage available to employees who are hired into full time positions and regularly work full time. The coverage takes effect on the first day of employment. The County shall make medical insurance coverage available to all employees qualifying under the Patient Protection and Affordable Care Act.

The employee may elect to obtain medical and dental coverage for eligible dependents at his/her own expense through payroll deduction.

All regular full-time County employees who work at least 40 hours per week, whose retirement is under the provision of the North Carolina Local Government Employees' Retirement System through length of service, during which time at least 15 consecutive years are served with Moore County prior to retirement, may receive coverage under the County group health and dental insurance policy. Premiums are calculated as follows:

2.A. Retiree pays 100% of current premium when eligible for state retirement and worked the last 15 years with Moore County;

2.B. Retiree pays 50% of current premium when he/she has 20 years of service with state retirement plan and worked the last 15 years with Moore County;

2.C. Retiree pays 25% of current premium when he/she has 30 years of service recognized with state retirement plan and worked the last 15 years with Moore County.

Premiums will be calculated annually and will be subject to adjustment as necessary. At the effective date of Medicare, the retiree health insurance becomes a supplement policy with a rate of 50% of current premium for retirees qualifying under the above sections 2(a) or 2(b). Retiree qualifying under section 2(c) will pay 25% of the current premium rate. The Retiree Health Plan will become secondary coverage when a retiree has become eligible for Medicare or another employer-sponsored plan.

**For retirees whose hire date is on or after January 1, 2010, health coverage will end when retiree becomes eligible for Medicare at age 65.**

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), health benefits can be continued, at the employee's or dependent's request and expense, after termination of employment in certain circumstances or other qualifying event.

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### **Section 3. Group Life Insurance**

The County provides life insurance. To be eligible for life insurance the employee must be a member. The following defines membership and the benefit:

3.A. An active, permanent part-time employee who is regularly working at least 20 hours per week is covered by a \$10,000 policy.

3.B. An active, full-time employee who is regularly working at least 40 hours per week is covered by twice the basic yearly earnings; or

3.C. An active Commissioner of Moore County is covered for \$25,000.

Employees, at their own expense through payroll deduction, may acquire insurance for their dependents. In some instances, employees' coverage amounts will be subject to medical underwriting. The insurer will determine the type and form of required proof.

### **Section 4. Unemployment Compensation**

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978.

County employees may apply for unemployment compensation through the local office of the Employment Security Commission which will determine the employee's eligibility for this benefit.

### **Section 5. Social Security**

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

### **Section 6. Retirement Plan**

The County participates in a retirement program for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officers' Benefits and Retirement Fund. Sworn law enforcement officers shall have the option of membership in either retirement system, only at the time of initial employment.

Each employee appointed to a regular position shall be required to join one of the retirement plans, in accordance with the rules and regulations of the applicable retirement system as currently existing or hereafter amended.

### **Section 7. Death Benefit**

The beneficiary of an employee who dies after 1 year of contributing to the North Carolina Local Governmental Employees' Retirement System AND while still being paid a salary by the County will receive a single lump sum payment from the North Carolina Retirement System. This payment equals the highest 12 months' salary in a row during the 24 months before the employee's death, but not less than \$25,000 and no more than \$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.

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### **Section 8. Law Enforcement Officers' Separation Allowance**

The County shall provide a special separation allowance as required by NC G.S. 143-166.41 and NC G.S. 143-166.42, as amended.

### **Section 9. Longevity Pay**

In addition to regular salaries, a longevity payment may be made annually in recognition of long term service of regular full-time employees, , who have served at least three (3) continuous years with Moore County and have scored at least proficient on their performance evaluation as of July 3<sup>rd</sup> of each year. Longevity pay is subject to annual approval by the Board of Commissioners during the adoption of the budget.

Annual longevity pay amounts are based on the length of continuous service with Moore County and a percentage of the employee's annual rate of base pay on the date of eligibility as of July 3<sup>rd</sup> of each year, with the payment being made the Wednesday prior to Thanksgiving.

Longevity pay amounts are computed by multiplying the employee's base pay rate by the appropriate percentage from the following table:

Years of Aggregate Service	Longevity Pay Rate
3 through 5 years	1%
6 through 10 years	2%
11 through 15 years	3%
16 through 20 years	4%
21 years or more	5%

Longevity pay is neither considered a part of annual pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base salary. Appropriate Federal, State, FICA and retirement will be deducted. An employee must be actively employed with the County of Moore on the Wednesday before Thanksgiving to be eligible for longevity pay.

### **Section 10. Supplemental Retirement Plan 401(k)**

G.S. 143-166.50 requires each County to place an amount equal to a specified percentage of the gross annual salary for all sworn law enforcement personnel in a 401(k) Savings Plan. All other regular, full-time and part time County employees can voluntarily place a portion of their pre-tax salary, up to the annual limit amount established by the 401(k) plan. The County will provide funds for non-law enforcement employees in an amount as determined by the Board of Commissioners.

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### Section 11. Training and Educational Incentives

Moore County, will, if funds are available, provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops, which relate directly to the employees' duties and responsibilities with the County. Reimbursement for expenses will be limited to registration fees, mileage, meals and lodging. As a condition of incurring the expense of training and/or education of an employee, the County may require the employee to execute a contract dictating the terms of the training or education. These terms include, but are not limited to, the repayment of training expenses if the employee terminates employment with the County. The repayment term of this contract is not to exceed 5 years of service from the completion of training or education.

Employee may find the procedure for reimbursement for approved expenses and travel in the Finance Office Travel Procedure guideline.

### Section 12. Employee Assistance Program

The purpose of the Employee Assistance Program (EAP) is to provide Moore County employees and their families with confidential rehabilitative services for the treatment of emotional, psychological, psychiatric, stress-related, and substance dependence problems. These disorders or problems, if left uncorrected, may result in a decreased quality of life for those affected and their families and will often result in work deficiencies, including decreased productivity, increased absenteeism, unacceptable job conduct, work injuries, increased medical care usage, poor judgment and decision-making ability, work-group conflicts, poor morale, safety hazards to the public and co-workers, and negative consequences to our employees and the community. Strict confidentiality is essential and will be maintained. While there may be occasions when a supervisor will suggest, or refer, an employee to the EAP, the program should in no way be construed as disciplinary. It is voluntary and is provided to help the employee sort through difficulties that may affect his/her job performance.

#### 12.A. Eligibility

12.A.1. All employees are eligible

12.A.2. Members of the employee's immediate family

12.B. Self-Referrals - Employees are encouraged to utilize the EAP as the need for professional help or guidance arises and may access the EAP directly by phone. Help is available 24 hours a day, 7 days a week. No employee's job security or promotional opportunities will be jeopardized due to participation in the program. This call is absolutely confidential.

12.C. Supervisory Referrals - In those cases where it is necessary for a supervisor to refer an employee to the EAP program due to poor performance or personal conduct to avoid the necessity for disciplinary action, it is the employee's responsibility to cooperate in the designated treatment or rehabilitation plan in order to address conditions apparently causing the poor performance or personal conduct on the job. Any employee whose performance or personal conduct does not improve, or continues to deteriorate, remains subject to the normal disciplinary actions in accordance with Article VIII.

12.D. Referrals to Network Healthcare Providers - In some cases, it is necessary for an employee to be referred by the EAP to another health care provider for additional or specialized services. In these cases, the EAP professionals are well acquainted with the County's Health Plan and will make the

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appropriate network referral ensuring that the employee may maximize his/her health care benefits. Any referral expenses incurred beyond that, which is covered by the insurance plan will be the responsibility of the employee. Those potential costs will be discussed between the employee and the EAP counselor in advance to consider options for meeting the expense, and the employee has the final choice of whether to accept the referral.

### **Section 13. Wellness Center Use**

13.A. Eligibility - The County's wellness center is intended to be available to all full time employees who are eligible to be on the County's Health Plan. Employees' dependents covered by the health plan will be eligible to use the wellness center. Moore County retirees participating in the County's health plan are eligible.

13.B. Record Procedures - All personal medical services will be confidential. The medical records will be maintained by the medical providers contracted to operate the wellness center.

The medical records of Moore County employees treated for workers' compensation injuries will be shared with the County Human Resources Director in accordance with North Carolina Industrial Commission regulations.

Employees and retirees must show a current health benefit insurance card and picture identification. Dependents must be listed on the employees' health benefit insurance card to be seen at the employee wellness center. These identifications will be checked at each visit to the wellness center.

13.C. Use of Sick Time - In order to avoid being charged for sick leave, an employee's intention must be to work on the day of the medical visit to the wellness center. If an employee is at work but visits the wellness center and then returns to work immediately following the medical visit, sick leave will not be charged.

Leave time must be used if an employee is accompanying a spouse or dependent to the wellness center.

13.D. All employees are required to use the wellness center for workers' compensation purposes. In the event that the center is closed, the employee will be directed by the Department Director or Human Resources Department where to obtain treatment. All time spent for workers' compensation visits are to be coded as workers compensation and Wellness Works Center on the individual's time sheet.

13.E The medical providers contracted to operate the wellness center have the authority to notify the County if they feel the employee is abusing the benefit of the wellness center. The medical providers at the wellness center, in conjunction with the County Manager and Human Resources have the authority to dismiss a patient from treatment as a result of this abuse.

### **Section 14. Other Benefits**

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and may be payroll deducted. These deductions include but are not limited to the following:

14.A. Flexible Spending Account - provided by Section 125 of the Internal Revenue Code, allowing employees to spend pretax dollars on eligible healthcare products and services and/or dependent care expenses received by the employee or an eligible dependent during the coverage period;

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14.B. United Way Contributions;

14.C. Credit Union deductions; and

14.D. Any miscellaneous insurance premiums as authorized.

### **Section 15. Employer Statement**

The County of Moore reserves the right to amend or terminate any of the preceding benefits or programs, or to require or increase employee premium contributions toward any benefits with or without advance notice at its discretion. This reserved right may be exercised in the absence of financial necessity.

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### ARTICLE VIII. DISCIPLINE AND SEPARATION

#### Section 1. Disciplinary Actions

**1.A. General Provisions** - It is the intent of Moore County to provide employees and management with a fair, clear and useful tool for correcting and improving job performance problems, as well as for providing a process to assist management in handling instances of unacceptable personal conduct. In accordance with the provisions of this Article, disciplinary actions shall be administered in as near a uniform manner as possible in all departments.

Any employee, regardless of occupation, position, or profession, may be warned, demoted, suspended or dismissed. Such actions will be the responsibility of the Department Director. Disciplinary actions may be taken against regular employees only for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the Department Director in accordance with this Article.

Probationary employees may be dismissed without cause at any time during the probationary period following their initial appointment.

Just cause can consist of any one or a combination of the following.

**2.A. Unsatisfactory Job performance** - defined as work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plans or as directed by management of the work unit or department.

The following examples relating to unsatisfactory job performance are representative of, but not limited to, those sufficient for discipline, up to and including dismissal:

- 2.A.1. Inefficiency, negligence or incompetence in the performance of duties;
- 2.A.2. Careless, negligent or improper use of County property or equipment;
- 2.A.3. Physical or mental incapacity to perform duties, as certified by a physician;
- 2.A.4. Discourteous treatment of the public or other employees;
- 2.A.5. Absence without approved leave;
- 2.A.6. Improper use of leave privileges;
- 2.A.7. Habitual pattern of failure to report for duty at the assigned time and place;
- 2.A.8. Failure to complete work within established time frames.

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**2.B. Written Warning for Unsatisfactory job performance** When a supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. For a written warning to be official, a written warning must:

- 2.B.1. Clearly inform the employee that it is an official written warning;
- 2.B.2. Clearly inform the employee of the specific issues that are the basis for the warning;
- 2.B.3. State the specific improvements that must be made to address these specific issues;
- 2.B.4. State the time frame allowed for making the required improvements/corrections and set a specified time frame. Absent a specific time frame, 60 days is the time frame allowed for correction.
- 2.B.5. Clearly inform the employee of the consequences of failing to make the required improvements/corrections;
- 2.B.6. Be forwarded to the Human Resources Director to be placed in the personnel file; and

Employee has no appeal rights for a written warning.

**2.C. Suspension with Pay for unsatisfactory job performance** Suspension with pay may be used for any one or a combination of the following:

- 2.C.1. To provide time to investigate, establish facts, and reach a decision concerning an employee's status;
- 2.C.2. To provide time to schedule and hold a pre-dismissal conference; and/or
- 2.C.3. To avoid undue disruption of work or to protect the safety of persons or property.

Employee has no appeal rights for a suspension with pay.

A suspension with pay shall not exceed 30 calendar days unless extended by the County Manager. Extensions shall be in writing to the employee and include the specific reason for the extension and the length of the extension.

A suspension with pay shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

**2.D. Suspension without Pay for Unsatisfactory Job Performance.** An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior disciplinary action.

- 2.D.1. Schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the conference must be given to the employee of the time, location, and the issue for



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which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances.

2.D.2. Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension.

2.D.2.a Non-Exempt Employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least 1 full work day, but not more than 2 work weeks.

2.D.2.b. Exempt Employee is exempt from the overtime compensation provisions of the FLSA must be for at least 1 full work week, but not more than 2 full work weeks

2.D.3. Advise the employee of any applicable appeal rights in the document affecting the suspension.

**2.E. Disciplinary Demotion for Unsatisfactory Job Performance.** An employee may be demoted for any reason constituting just cause in accordance with the procedural requirements below. A demotion may take one of three forms:

2.E.1. The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade;

2.E.2. The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the salary rate does not exceed the maximum of the salary range for the new lower pay grade; or

2.E.3. The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the step 1 of salary rate for the applicable pay grade or the special entry rate, if in effect.

2.E.4. To demote an employee, the appointing authority must comply with the following procedural requirements:

2.E.4.a. The employee must have received at least one prior disciplinary action before being demoted;

2.E.4.b. Review the employee's actions and the proposed discipline with the Human Resources Director;

2.E.4.c. Schedule and conduct a pre-disciplinary conference. Advance written notice of the time, location, and issue for which discipline has been recommended must be provided to the employee. The amount of advance notice should be as much as is practicable under the circumstances;

2.E.4.d. Furnish the employee with a written statement setting forth the specific acts or omissions that are the reasons for the demotion, stating clearly how and to what extent the demotion will affect the employee's salary rate or pay grade, and advising the employee of any applicable appeal rights; and

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2.E.4.e. Forward a copy of the written statement to the Human Resources Director to be placed in the personnel file.

**2.F. Dismissal for Unsatisfactory Job Performance** - In order to be dismissed for unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions, which may be a written warnings and/or other written disciplinary action, followed by a final written warning notifying the employee that failure to make the required improvements may result in dismissal. Successive disciplinary actions do not have to concern the same type of unsatisfactory job performance, nor do successive disciplinary actions have to concern the same type of just cause. For example, a final written warning for unacceptable job performance could follow an initial disciplinary action for grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials.

After an employee has received the required prior disciplinary actions, he/she may be dismissed pursuant to the procedures outlined below.

- 2.F.1. Review the employee's actions and the proposed discipline with the Human Resources Director;
- 2.F.2. Schedule a pre-disciplinary conference with the employee. Advanced written notice of the conference must be given to the employee detailing the time and location of the conference and the issue for which dismissal has been recommended.
- 2.F.3. Conduct the pre-disciplinary conference with the employee. Attendance at this conference is limited to the employee and the person conducting the conference subject to the following exceptions. A second management representative and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. During the conference, the employee shall be given notice of the recommendation of dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer arguments and information in support of his/her position but may not present witnesses.
- 2.F.4. Review and consider the response of the employee following the conference. To minimize the risk of dismissal upon erroneous information and to allow time for the review of all necessary information, a decision should not be communicated to the employee prior to the beginning of the business day immediately following the pre-disciplinary conference no later than the end of the second business day following the conclusion of the pre-dismissal conference. When extension of this time period is necessary for investigative or other purposes, the employee shall be notified.
- 2.F.5 If the decision is made to dismiss the employee, provide the employee with a written letter of dismissal detailing the specific reasons for dismissal, the effective date of the dismissal, and the employee's appeal rights. This letter shall be delivered to the

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employee in person or by certified mail, return receipt requested, to the employee's last known address. The effective date of the dismissal is determined by the dismissing authority but shall not be earlier than the letter of dismissal.

2.F.6. Forward a copy of the letter of dismissal to the Human Resources Director to be placed in the personnel file.

**2.G. Grossly inefficient job performance** is defined as instances in which the employee fails to satisfactorily perform job requirements as specified in the relevant job description, work plans or as directed by the management of the work unit or department when that failure results in:

2.G.1. The creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility;  
or

2.G.2. The loss of or damage to County property or funds that results in a serious impact on the County and/or work unit.

When discipline of an employee for grossly inefficient job performance, follow the direction of this Article, sections 2.B, 2.C, 2.D, 2.E and 2.F.

**2. H. Failure to maintain required credentials** - Employees in classifications that require a certain license, registration, or certification in order to perform assigned job duties are responsible for obtaining and maintaining said credentials, and a failure to do so constitutes just cause for disciplinary action.

**3.A. Unacceptable personal conduct**, - defined as work-related or non-work related conduct and may be intentional or unintentional. An employee may be warned, suspended with pay, suspended without pay, demoted, or dismissed for causes relating to personal conduct detrimental to County service in order to avoid undue disruption of work, protect the safety of persons or property, or for other serious reasons.

The following examples relating to unacceptable personal conduct are representative of, but not limited to, those sufficient for discipline, up to and including dismissal:

3.A.1. Conduct for which no reasonable person should expect to receive prior warning;

3.A.2. Fraud in securing appointment;

3.A.3. Conduct unbecoming a public officer or employee;

3.A.4. Conviction of a felony or a misdemeanor which is detrimental to County Services or the performance of duties, or a plea of "no contest" to either;

3.A.5. Misappropriation of County funds or property;

3.A.6. Falsification of County records;

3.A.7. Willful violation of known or written work rules and/or policies;

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- 3.A.8. Willful violation of the Moore County Substance Abuse Policy;
- 3.A.9. 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;
- 3.A.10. Willful damage or destruction of property;
- 3.A.11. Willful acts that would endanger the lives and/or property of others;
- 3.A.12. Acceptance of gifts in exchange for "favors" or "influence";
- 3.A.13. Possession of unauthorized firearms or other lethal weapons on the job;
- 3.A.14. Sexual, racial or other unlawful harassment of a co-worker, applicant for employment, client or member of the public;
- 3.A.15. Incompatible employment or conflict of interest;
- 3.A.16. Obtaining or conveying, without proper authorization, identified confidential information;
- 3.A.17. Violation of political activity restrictions;
- 3.A.18. Failure to pay taxes owed to the County.

A regular County employee wishing to appeal a demotion, suspension without pay, dismissal, or reduction-in-force may present the matter in accordance with the provision of the grievance procedure prescribed in Article IX of this policy. Employees subject to the State Personnel Act, NCGS Chapter 126, wishing to appeal the actions indicated above may do so in accordance with established policies approved by the State Personnel Commission. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

**3.B. Written Warning for Unacceptable Personal Conduct** When a supervisor determines that disciplinary action is appropriate for unacceptable personal conduct, a written warning may be issued. For a written warning to be official, a written warning must:

- 3.B.1. Clearly inform the employee that it is an official written warning;
- 3.B.3. Clearly inform the employee of the specific issues that are the basis for the warning;
- 3.B.3. State the specific improvements that must be made to address these specific issues;
- 3.B.4. State the time frame allowed for making the required improvements/corrections is immediate.
- 3.B.5. Clearly inform the employee of the consequences of failing to make the required improvements/corrections;

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3.B.6. Employee has no appeal rights for a written warning;

3.B.7. Be forwarded to the Human Resources Director to be placed in the personnel file;  
and

**3.C. Suspension with Pay for Unacceptable Personal Conduct.** Suspension with pay may be used for any one or a combination of the following:

3.C.1. To provide time to investigate, establish facts, and reach a decision concerning an employee's status;

3.C.2. To provide time to schedule and hold a pre-dismissal conference; and/or

3.C.3. To avoid undue disruption of work or to protect the safety of persons or property.

3.C.4. Employee has no appeal rights for a suspension with pay.

A suspension with pay shall not exceed 30 calendar days unless extended by the County Manager. Extensions shall be in writing to the employee and include the specific reason for the extension and the length of the extension.

A suspension with pay shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

**3.D. Suspension without Pay for Unacceptable Personal Conduct.** An employee may be suspended without pay at any time for unacceptable personal conduct or grossly inefficient job performance. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

3.D.1. Schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances.

3.D.2. Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension.

3.D.2.a. Non-Exempt Employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least 1 full work day, but not more than 2 work weeks.

3.D.2.b. Exempt Employee is exempt from the overtime compensation provisions of the FLSA must be for at least 1 full work week, but not more than 2 full work weeks

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3.D.3. Advise the employee of any applicable appeal rights in the document affecting the suspension.

**3.E. Demotion for Unacceptable Personal Conduct.** An employee may be demoted for any reason constituting just cause in accordance with the procedural requirements below. A demotion may take one of three forms:

- 3.E.1. The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade;
- 3.E.2. The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the salary rate does not exceed the maximum of the salary range for the new lower pay grade; or
- 3.E.3. The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect.
- 3.E.4. To demote an employee, the appointing authority must comply with the following procedural requirements:
  - 3.E.4.a. In matters of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials, no prior disciplinary actions are required;
  - 3.E.4.b. Review the employee's actions and the proposed discipline with the Human Resources Director;
  - 3.E.4.c. Schedule and conduct a pre-disciplinary conference. Advance written notice of the time, location, and issue for which discipline has been recommended must be provided to the employee. The amount of advance notice should be as much as is practicable under the circumstances;
  - 3.E.4.d. Furnish the employee with a written statement setting forth the specific acts or omissions that are the reasons for the demotion, stating clearly how and to what extent the demotion will affect the employee's salary rate or pay grade, and
  - 3.E.4.e. Advise the employee of any applicable appeal rights in the document affecting the demotion.
  - 3.E.4.f. Forward a copy of the written statement to the Human Resources Director to be placed in the personnel file.

**3.F. Dismissal for Unacceptable Personal Conduct** An employee may be dismissed on the basis of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain

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required credentials without any prior disciplinary action. However, nothing in this Article precludes management from using other disciplinary actions prior to proceeding to dismissal.

In dismissing an employee pursuant to this Section, the Department Director must follow:

- 3.F.1. Review the employee's actions and the proposed discipline with the Human Resources Director;
- 3.F.2. Schedule a pre-disciplinary conference with the employee. Advanced written notice of the conference must be given to the employee detailing the time and location of the conference and the issue for which dismissal has been recommended.
- 3.F.3. Conduct the pre-disciplinary conference with the employee. Attendance at this conference is limited to the employee and the person conducting the conference subject to the following exceptions. A second management representative and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. During the conference, the employee shall be given notice of the recommendation of dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer arguments and information in support of his/her position but may not present witnesses.
- 3.F.4. Review and consider the response of the employee following the conference. To minimize the risk of dismissal upon erroneous information and to allow time for the review of all necessary information, a decision should not be communicated to the employee prior to the beginning of the business day immediately following the pre-disciplinary conference no later than the end of the second business day following the conclusion of the pre-dismissal conference. When extension of this time period is necessary for investigative or other purposes, the employee shall be notified.
- 3.F.5. If the decision is made to dismiss the employee, provide the employee with a written letter of dismissal detailing the specific reasons for dismissal, the effective date of the dismissal. This letter shall be delivered to the employee in person or by certified mail, return receipt requested, to the employee's last known address. The effective date of the dismissal is determined by the dismissing authority but shall not be earlier than the letter of dismissal.
- 3.F.6. Advise the employee in writing of any applicable appeal rights in the document affecting the dismissal
- 3.F.7. Forward a copy of the letter of dismissal to the Human Resources Director to be placed in the personnel file.

### **Section 2. Types of Separations**

**2.A. Resignation** - Resignation in good standing occurs when an employee submits and works a written notice of resignation for a minimum of 2 weeks or alternate approved plan prior to the effective date of resignation. Department Directors are required to give a 30 day written notice of

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resignation to the County Manager or hiring authority. Such notice shall be provided to the Department Director who shall acknowledge the employee's resignation in writing and forward a copy of the resignation and acknowledgement to the Human Resources Director and when appropriate, the County Manager, appointing authority or governing body. The last day worked by an employee will be recorded as the date of separation. Vacation, sick or compensatory leave will not be permitted to exhaust a notice of resignation.

2.A.1. Resignation not in good standing occurs when:

- 2.A.1.a. An employee fails to submit and work a written notice of resignation at least 2 weeks prior to the effective date of resignation;
- 2.A.1.b. An employee fails to report to work following a leave of absence without pay;
- 2.A.1.c. An employee is absent from work 3 consecutive working days without authorized leave – separation pursuant to this policy should not occur until the employing department has undertaken reasonable efforts to locate the employee and determine when or if the employee is intending to return to work; or
- 2.A.1.d. An employee resigns to avoid announced disciplinary action.

2.A.2. An employee who resigns in good standing may be considered for future employment with the County. An employee who resigns from County employment not in good standing is normally ineligible for future employment with the County.

**2.B. Reduction-in-Force** - In the event that a reduction-in-force becomes necessary, consideration shall be given to the needs of the organization, the seniority of the employee, and the quality of each employee's past performance. No regular employee shall be separated while there are probationary, temporary or other non-regular employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the non-regular employee. Employees who are laid off because of reduction-in-force shall be given at least 2 weeks notice of anticipated layoff.

**2.C. Disability** - An employee may be separated for disability when the employee cannot perform the essential functions of the position because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the County.

Consideration for disability separation shall be supported by medical evidence as certified by a competent physician. Furthermore, the County may require a physical and/or mental examination at its expense by a physician of its choice.

Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited.

**2.D. Retirement** - When an employee meets the conditions set forth under the provisions of any retirement plan adopted by the Board of County Commissioners for County employees, he/she may elect to retire and receive all benefits earned under said retirement plan.



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2.E. Dismissal - See Section 1 of this Article.

2.F. **Death** - All compensation due in accordance with this Policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

### **Section 3. Reinstatement to Regular Status**

3.A. An employee who resigns while in good standing, or who is separated because of reduction-in-force may be reinstated within 1 year of the date of separation, with the approval of the Department Director and the Human Resources Director.

3.B. A former regular full-time or regular part-time employee with a break in service may be reinstated and appointed to the same salary step as at separation within 1 year following the date of separation if in the same position.

3.C. A break in service occurs when an employee is in non-pay status for more than 31 calendar days. An employee is in non-pay status after the last day of work prior to separation because of resignation, dismissal, death, retirement, reduction in force or on leave without pay. An employee is in pay status when working, when on paid vacation, sick, or civil leave, when on leave pursuant to the FMLA, or when on Worker's Compensation leave.

3.D. An employee otherwise eligible for reinstatement in (3.A.) above may be offered reinstatement with a probationary period of appointment at the discretion of the Department Director, subject to the approval of the Human Resources Director. In this instance, the employee must meet all requirements of the probationary period as for initial appointments.

3.E. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, the National Guard or with any Reserve component of the Armed Forces will

be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who is reinstated pursuant to this Section shall be credited with previous service time and previously accrued sick leave.

### **Section 4. Employee Appeal**

A regular employee wishing to appeal a disciplinary demotion, suspension or dismissal may present the matter in accordance with the provisions of Article IX, Grievance Procedure.

### **Section 5. Time Limits For Active Warnings/Disciplinary Actions For Progressive Discipline**

5.A. Any disciplinary action is deemed inactive for the purpose of this Section in the event that:

5.A.1. The Department Director notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or

5.A.2. Eighteen months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last 18 months and the department has not, prior to the expiration of the 18 month period, issued to the employee written notice, including reasons, of the extension of the period.

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### Section 6. Credentials

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

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law or applicable rule. 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.

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, disciplinary action shall be administered as follows:

6.A. 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 accordance with Article VIII.

6.B. In all other cases of post-hiring discovery of false or misleading information, disciplinary action shall be taken, but the severity of the disciplinary action shall be at the discretion of the Department Director, up to and including dismissal.

When credential or work history falsification is discovered before employment with a department, the applicant shall be disqualified from consideration for the position in question.

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### ARTICLE IX. GRIEVANCE PROCEDURES

#### **Section 1. Purpose**

The County is committed to providing employees an effective and responsive grievance process.

#### **Section 2. Applicability**

This procedure applies to regular employees of the County, except for employees subject to the State Personnel Act (competitive service employees) and employees of the Board of County Commissioners, the Board of Elections, Sheriff, Register of Deeds, and the Soil and Water Conservation District. Competitive service employees may appeal grievances to the Office of State Personnel pursuant to Chapter 126 of the North Carolina General Statutes. For employees of the Board of County Commissioners, Board of Elections, Sheriff, Register of Deeds, and the Soil and Water Conservation District, the decision of the Chairman of the Board of Elections, Sheriff, Register of Deeds, or the Soil and Water Conservation District Board, respectively, is administratively final.

Regular employees covered by this Article shall have the right to grieve suspensions without pay, disciplinary demotions, reductions-in-force or dismissals.

#### **Section 3. Policy**

Regular employees subject to this Article shall have the opportunity to be heard without fear of reprisal or retaliation, and to be heard fairly and promptly. Grievances which are not received within the time allowed as prescribed in this Section or which are not filed with the Human Resources Director as prescribed in this Section shall be dismissed. A regular employee shall have the right to present a complaint in accordance with this established policy free from interference, discrimination, or reprisal.

#### **Section 4. Procedure**

When a regular employee is dissatisfied with an adverse action of suspension without pay, disciplinary demotion, reduction-in-force, or dismissal, the employee may file a formal written grievance with the Department Director as provided below.

In order to be considered, a grievance must be filed within 5 working days from the date that the issue is made known to the employee. While every effort shall be made to expedite the grievance process, the time limits contained in this Section may be extended when mutually agreed upon or approved by the Human Resources Director. Provided, however, that the 5 working days time limit to initially file a grievance shall not be extended. Grievances filed outside of this 5 working days time period shall be dismissed.

In filing a grievance, the following steps shall be taken:

4.A. The employee shall present the grievance in writing to the Department Director within the 5 working days time period outlined above. The grievance should contain the following information: the decision or action that the employee does not agree with, the basis on which the action is wrong or unfair, and the proposed resolution that the employee is seeking. The employee shall also file a copy of the grievance with the Human Resources Director.

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4.B. Upon receipt of the grievance, the Department Director shall arrange for the employee to present the case within 7 working days. The employee may not be represented or assisted by others at this level of the grievance, but may present evidence or have witnesses testify. The Department Director will make a decision within 7 working days after the hearing, and a written copy of this decision will be immediately furnished to the employee, the Human Resources Director and the County Manager.

4.C. If the employee is not satisfied with the Department Director's decision, the employee may request that the grievance be referred to the County Manager. This request must be made to the Human Resource Director, in writing, within 5 working days after the Department Director's decision.

4.D. The County Manager shall conduct a hearing within 7 working days to hear the employee's concerns. The County Manager will review the written documents, supporting evidence, and consult with whatever other sources he deems appropriate and shall present his decision, in writing, to the employee and the Department Head within 10 working days after completing the hearing.

4.E. If the employee is not satisfied with the County Manager's decision, the employee may request the grievance be referred to the Human Resources Appeals Committee. This request must be made to the Human Resources Director, in writing, within 10 days after the County Manager's decision.

### **Section 5. Organization of the Human Resources Appeals Committee**

The Board of Commissioners shall appoint a Human Resources Appeals Committee consisting of three members. Members of the Human Resources Appeals Committee shall serve 3 year terms. A member of the Human Resources Appeals Committee may be removed by the Board of Commissioners for just cause. Vacancies shall be filled by the Board of Commissioners by appointment.

Each member of the Human Resources Appeals Committee shall be a qualified voter of the County, and shall be known to be in sympathy with the merit principle of personnel administration. No person who has actively participated in the immediately preceding County election by seeking office, soliciting funds or votes, either by letter, telephone, personal contact or speeches, on behalf of any candidate for County office and no County employee or officer shall serve on the Human Resources Appeals Committee. No attorney practicing in any of the courts in the County shall serve on the Human Resources Appeals Committee.

Each member of the Human Resources Appeals Committee shall have had experience in public or private personnel administration. Any member of the Human Resources Appeals Committee who becomes a candidate for a political office, or actively participates in elections, in the matter herein before set forth, shall at the time he/she files, be deemed to have vacated his/her position as a member of the Human Resources Appeals Committee.

The Board of Commissioners shall appoint one of the members of the Human Resources Appeals Committee to serve as Chairman who shall preside at all meetings and shall be responsible for establishing meeting dates and calling official meetings. One member shall be elected Vice-Chairman and shall assume the duties of Chairman in the event the chairman is unavailable.

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The Human Resources Appeals Committee shall:

5.A. Advise the Board of Commissioners and the County Manager regarding County personnel issues;

5.B. Conduct hearings upon the request of suspended without pay, demoted, reduced in force, or dismissed County employees as required by this procedure. The Human Resources Appeals Committee shall have all powers necessary to complete investigation of the action taken, including the examination of witnesses and relevant papers. The Human Resources Appeals Committee shall inform the employee and the County Manager in writing of its findings and recommendation; and

5.C. Keep an accurate record of all its proceedings, findings and recommendations.

### **Section 6. Grievance Hearings with the Human Resources Appeals Committee**

The employee with the grievance may appeal in writing to the Human Resources Director within 10 working days of the written decision by the County Manager. Upon receipt of the employee's appeal, the Human Resources Director shall notify the Chairman of the Human Resources Appeals Committee within 7 working days. The Chairman will schedule a hearing within 15 working days of such notice.

Prior to a grievance hearing, each member of the Human Resources Appeals Committee shall declare any conflict of interest and, if necessary, recuse himself/herself from the hearing in order that an unbiased decision can be rendered.

Meetings of the Human Resources Appeals Committee are subject to regulations established by the North Carolina General Statutes. Notification of meeting dates, places and times shall be consistent with requirements therein.

Grievance hearings shall be formal and held in closed session.

Hearings will be taped, but not transcribed, unless ordered by the Chairman for subsequent hearings or challenge of proceedings. Tape cassettes will be punched to prevent erasure and sealed before close of the meeting and initialed by the Chairman. Tapes will be preserved in safe storage and shall be released only upon order of the Chairman. Transcripts of tapes, if made, shall be assigned control numbers and a record will be maintained of the parties to whom transcripts are released.

The Human Resources Appeals Committee may excuse all principals and witnesses from the closed session in order to complete deliberations.

A written statement, signed by the Chairman, of findings of fact and decisions recommended, will be mailed to the employee within 5 working days of the hearing with copies to the County Manager and Human Resources Director.

Witnesses may appear to testify before the Human Resources Appeals Committee upon the request of the Department Director or employee. The request shall be in writing to the Chairman of the Human Resources Appeals Committee and shall contain the names of witnesses who are requested to appear.

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### **Section 7. Maintenance of Grievance Records**

The Human Resources Director shall keep a record of all grievances and complaints filed. If a grievance/complaint is withdrawn, the record shall include any statement from the complainant indicating the reason for withdrawal.

The records described above shall be retained by the Human Resources Director for a minimum of 3 years and are subject to review by the complainant, the complainant's Department Director, the County Manager and the County Commissioners.

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### ARTICLE X. PERSONNEL RECORDS AND REPORTS

#### Section 1. Personnel Records Maintenance

Personnel records necessary for the proper administration of the personnel system will be maintained by Human Resources. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration.

#### Section 2. Public Information

The following information on each County employee is public information:

- 2.A. Name.
- 2.B. Age.
- 2.C. Date of original employment or appointment to service.
- 2.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.
- 2.E. Current position
- 2.F. Title
- 2.G. Current salary.
- 2.H. Date and amount of each increase or decrease in salary.
- 2.I. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification.
- 2.J. Date and general description of the reasons for each promotion with the county.
- 2.K. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. *(If the disciplinary action was a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal.)*
- 2.L. The office to which the employee is currently assigned.

#### Section 3. Access to Personnel Records

As required by N.C.G.S. § 153A-98, any person may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination and copying during the regular business

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hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt.

All disclosures of records from the employee's personnel file shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested.

This information must be retained for a period of 2 years.

Upon request, records of disclosure shall be made available to the employee to whom it pertains.

An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.

### **Section 4. Confidential Information**

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this Article, will be maintained as confidential in accordance with the requirement of N.C.G.S. § 153A-98 and shall be open to public inspection only in the following instances:

- 4.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.
- 4.B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- 4.C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4.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.
- 4.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 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.
- 4.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.



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4.G. The County Manager, with concurrence of the Board of County Commissioners, or, in counties not having a manager, 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 County Manager or Board of Commissioners 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 County Manager or the Clerk to the Board, and is a record available for public inspection and shall become part of the employee's personnel file.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity. A record shall be made of each disclosure and placed in the employee's file (except for disclosures to the employee and the supervisor).

### **Section 5. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

### **Section 6. Remedies of Employees Objecting to Material in File**

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

### **Section 7. Penalty for Permitting Access to Confidential File by Unauthorized Person**

N.C.G.S. § 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500 dollars.

### **Section 8. Penalty for Examining and/or Copying Confidential Material Without Authorization**

N.C.G.S. § 153A-98 provides that any person, not specifically authorized 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 misdemeanor and upon conviction shall be fined at the discretion of the court, but not in excess of \$500 dollars.

### **Section 9. Destruction of Records Regulated**

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with N.C.G.S. § 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than \$10 dollars nor more than \$500 dollars as provided in N.C.G.S. § 132-3.

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### ARTICLE XI. SAFETY WORKPLACE POLICY

#### **Section 1. Safe Workplace Policy**

The County is committed to making reasonable efforts to provide a safe working environment for its employees. It is expected that all County employees will adhere to this policy.

#### **Section 2. Workplace Violence**

The County has a zero-tolerance policy relating to the communication of threats, verbal harassment, physical assaults, or other forms of unreasonably aggressive behavior. Such behavior is a conduct issue.

#### **Section 3. Safety, including Occupational Safety and Health Act (OSHA)**

The County is committed to providing a workplace and environment that is as safe as practicable for employees and the public. Employees are required to comply with all safety rules and regulations at all times. Personal protective and safety equipment shall be used at all times. Employees who do not comply with these requirements are subject to disciplinary action. Supervisors who fail to enforce safety rules and equipment use shall be subject to disciplinary action.

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### ARTICLE XII. IMPLEMENTATION OF POLICY

#### **Section 1. Conflicting Policies Repealed**

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

#### **Section 2. Separability**

If any provision of this Policy is held invalid, the remainder of this Policy and the application of such remaining provisions of this Policy, other than those held invalid will not be affected.

#### **Section 3. Violations of Policy Provision**

An employee violating any of the provisions of this Policy as approved by the Board of Commissioners may be subject to disciplinary action, which may include suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation.

#### **Section 4. Amendments**

Amendments to this Policy shall be recommended by the County Manager or County Attorney and submitted for approval to the Moore County Board of Commissioners.

#### **Section 5. Administrative Procedures**

Department Directors may establish departmental administrative procedures or policies which, when approved by the County Manager, after review by the County Attorney, shall be enforceable under this policy.

#### **Section 6. Effective Date**

This policy shall become effective as of July 1, 1988 and thereafter shall be revised as needed.

Revised and adopted effective this 1<sup>st</sup> day of March, 2004 (/s/ Michael R. Holden, Chairman; Carol T. Thomas, Clerk to the Board)

Revised and adopted this 5<sup>th</sup> day of December 2005 with an effective date of January 1, 2006.(/s David J. Cummings, Chairman, Carol T. Thomas, Clerk to the Board)

Revised and adopted this 16<sup>th</sup> day of November 2009 with an effective date of November 16, 2009. (/s Robert Timothy Lea, Chairman, Laura M. Williams, Clerk to the Board)

Revised and adopted this 17<sup>th</sup> day of May 2010 with an effective date of July 1, 2010(/s Robert Timothy Lea, Chairman, Laura M. Williams, Clerk to the Board) - [VII. Employee Benefits, Section 9, Service Pay, replaced VII. Employee Benefits, Section 9, Longevity Pay]

Revised and adopted this 19<sup>th</sup> day of July 2011 with an effective date of July 19, 2011. (/s Nicholas J Picerno, Chairman, Laura M. Williams, Clerk to the Board) - [VII. Employee Benefits, Section 9. Longevity and Service Pay, replaced VII. Employee Benefits, Section 9, Service Pay]

Revised and adopted this 3<sup>rd</sup> day of January 2012 with an effective day of January 3, 2012 (/s Larry Caddell, Chairman, Laura M. Williams, Clerk to the Board) - [IV. Recruitment and Selection, Section 4. Residency Requirement]

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# COUNTY OF MOORE

## PERSONNEL POLICY



Effective Date: November 17, 2009 Revised: January 8, 2019

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Revised and adopted this 17<sup>th</sup> day of June, 2014 with an effective date of June 17, 2014. (/s/Nicholas J. Picerno, Chairman, Laura M. Williams, Clerk to the Board)

Revised and adopted this 18<sup>th</sup> day of July, 2017 with an effective date of July 1, 2017.

Revised and adopted this 8<sup>th</sup> day of January, 2019 with an effective date of January 8, 2019.