

CHOWAN COUNTY PERSONNEL MANUAL

Adopted: February 10, 2005
Updated: September 8, 2008

Mission Statement:

It is the goal of the County of Chowan to provide a range of effective and efficient services to its citizens through responsible government that is fair, equitable, and responsive to all citizens. The County of Chowan shall:

- **Administer a government that is competent and responsive to all citizens while understanding the obligation to taxpayers**
- **Administer a government that is reflective of the ethical and moral expectations of its citizens**
- **Be proper stewards of tax dollars at all levels of county government**
- **Encourage citizen participation in government and promote public trust and accountability**
- **Encourage and recognize creativity, innovation, and teamwork among County employees and encourage administrative decision-making at the point of service**
- **Be fair, compassionate, and reasonable in the daily activities of the County**
- **Always strive to provide needed and mandated services in an efficient and effective manner and always strive to improve and enhance services for the betterment of our County**

TABLE OF CONTENTS

Chowan County Personnel Manual

Mission Statement.....	1
Table of Contents.....	2
Article I: ORGANIZATION OF PERSONNEL SYSTEM.....	6
Section 1: Purpose	6
Section 2: Coverage	6
Section 3: Definitions.....	6
Section 4: Merit Principle.....	7
Section 5: Responsibility of Board of Commissioners.....	7
Section 6: Responsibility of County Manager.....	7
Article II: Classification Plan.....	9
Section 1: Adoption.....	9
Section 2: Allocation of Positions.....	9
Section 3: Administration of the Position Classification Plan.....	9
Article III: The Pay Plan.....	11
Section 1: Adoption.....	11
Section 2: Maintenance of the Pay Plan.....	11
Section 3: Use of Salary Ranges.....	11
Section 4: Trainee Employees.....	12
Section 5: Pay Rates in Promotion, Demotion, Transfer, and Reclassification.....	12
Section 6: Pay for Part-Time Work.....	13
Section 7: Overtime.....	13
Section 8: Payroll Deductions.....	14
Section 9: Travel Policy.....	15
Article IV: Recruitment, Selection, and Employment Procedures.....	17
Section 1: Statement of Equal Employment Opportunity.....	17
Section 2: Recruitment and Selection of Candidates.....	17
Section 3: Job Advertisements.....	18
Section 4: Applications for Employment.....	18
Section 5: Applications for Reserve File.....	19
Section 6: Qualification Standards.....	19
Section 7: Appointments, Promotions, and Transfers.....	19
Section 8: Probationary Period for New Hires.....	20
Section 9: Americans with Disabilities Act.....	21
Section 10: Performance Appraisal.....	23
Article V: Conditions of Employment.....	24
Section 1: Workweek.....	24
Section 2: Gifts and Favors.....	24
Section 3: Political Activity Restrictions.....	25
Section 4: Outside Employment.....	25
Section 5: Limitation of Employment of Relatives.....	26
Section 6: Dress Code.....	26
Section 7: Code of Ethics.....	27

Section 8: Confidentiality.....	27
Section 9: Internet and Phone Use for Personal Reasons.....	27
Section 10: Use of County Property.....	28
Section 11: Media and Public Relations.....	29
Section 12: Breaks and Lunch.....	29
Section 13: Health and Fitness.....	29
Section 14: Conflict of Interest Policy.....	29
Section 15: Uniform Policy.....	30
Section 16: Inclement Weather Policy.....	31
Article VI: Types of Leave and Rules Governing Leave.....	32
Section 1: Holidays.....	32
Section 2: Effect of Work on Holidays on Other Types Paid Leave.....	32
Section 3: Holiday-When Work is Required.....	32
Section 4: Vacation Leave.....	33
Section 5: Vacation Leave-Initial Probationary Appointment.....	33
Section 6: Vacation Leave-Manner of Accumulation.....	33
Section 7: Vacation Leave-Maximum Accumulation.....	34
Section 8: Vacation Leave-Utilization.....	34
Section 9: Vacation Leave-Terminal/Separation Pay and Repayment Of Annual Leave.....	34
Section 10: Vacation Leave-Payment of Accumulated Leave Upon Death.....	35
Section 11: Sick Leave.....	35
Section 12: Sick Leave-Manner of Accumulation.....	36
Section 13: Sick Leave-Maximum Accumulation.....	36
Section 14: Sick Leave-Physician's Certificate.....	36
Section 15: Sick Leave-Retirement Credit for Accumulated Sick Leave.....	36
Section 16: Sick Leave-Previous Leave Credits.....	36
Section 17: Calculation of Annual Leave and Sick Leave.....	37
Section 18: Compensatory Time Policy.....	37
Section 19: Leave Without Pay Policy.....	38
Section 20: Workmen's Compensation Leave.....	39
Section 21: Military Leave.....	39
Section 22: Civil Leave.....	40
Section 23: Educational Leave-Continuing Education Program.....	40
Section 24: Family Medical Leave Act.....	41
Section 25: School Related Leave.....	42
Section 26: Voluntary Shared Leave.....	43
Article VII: Disciplinary Policies, Separation, and Personnel Administration.....	46
Section 1: Resignation.....	46
Section 2: Voluntary Resignation without Notice.....	46
Section 3: Retirement.....	46
Section 4: The Disciplinary Process.....	47
Section 5: Separation due to Unavailability for Work.....	52
Section 6: Reduction in Force.....	52

Section 7: Death.....	53
Section 8: Exit Conference.....	53
Article VIII: Grievance Procedures and Formal Appeal Policies.....	54
Section 1: Definitions.....	54
Section 2: Problem Resolution Policy.....	54
Section 3: Appeal of Adverse Actions for Employees NOT Subject To the State Personnel Act.....	55
Section 4: Appeal of Adverse Actions for Employees Subject to State Personnel Act.....	56
Article IX: Alcohol and Drug Free Workplace Policy.....	58
Section 1: Definitions.....	58
Section 2: Drug Testing.....	58
Section 3: Mandatory Drug Testing of Certain Classifications.....	60
Section 4: Random Drug Testing for all Chowan County Employees.....	60
Section 5: Other Rules and Procedures.....	60
Article X: Workplace Harassment Policy.....	62
Section 1: Policy.....	62
Section 2: Definitions.....	62
Section 3: Reporting and Investigation of Unlawful Workplace Harassment.....	62
Section 4: Unlawful Workplace Harassment Prevention Plan.....	63
Section 5: Discipline.....	63
Article XI: Title IV, Limited English Proficiency.....	64
Complete Policy.....	64
Article XII: Employee Benefits.....	65
Section 1: Insurance Benefits.....	65
Section 2: Health Insurance for Retired Employees of Chowan County.....	65
Section 3: Unemployment Insurance.....	66
Section 4: Social Security Insurance.....	66
Section 5: Retirement Benefits.....	66
Section 6: Credit Union.....	67
Article XIII: Personnel Records.....	68
Section 1: Personnel Records Maintenance.....	68
Section 2: Public Information/Access to Personnel Records.....	68
Section 3: Confidential Information.....	69
Section 4: Remedies of Employees Objecting to Material in File.....	69
Section 5: Penalties.....	69
Appendix	
Attachment "A": Family Medical Leave Act.....	71
Attachment "B": Reduction in Force Policy.....	81
Attachment "C": Equal Employment Opportunity Policy.....	84
Attachment "D": Chowan County Social Services Appeals Policy.....	88
Attachment "E": Special Separation Allowance Policy.....	92
Attachment "F": Return to Work Policy.....	94

Attachment "G": Disclosure of Information.....97
Attachment "H": Supplemental Employment Request Form.....99

Article I: ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this policy manual is to provide a comprehensive personnel system for the county of Chowan. This manual will cover all aspects of personnel administration for employees of Chowan County.

Section 2. Coverage

- (a) All employees in the County's service shall be subject to this policy as provided in this section.
- (b) Employees of Chowan County subject to State Personnel Act (Chowan County Social Services) are subject to these policies unless otherwise denoted. A special addendum is attached to the back of this policy manual that provides policy coverage specifically for Chowan County Social Service employees.
- (c) Employees of the Sheriff's Office, including Jailors and 9-1-1 Communications, as well as employees of the Register of Deed's Office may be subject to special provisions or rules through special legislation or general statute and will be so noted in this manual. In these cases, those special rules will override Chowan County Personnel Policy.

Section 3. Definitions

- (a) General County Employee: an employee hired by a Chowan County Department, paid for by Chowan County funds, and not subject to the State Personnel Act
- (b) Employee Subject to State Personnel Act: An employee of Chowan County Social Services or a local office of emergency management receiving federal funds
- (c) Probationary Employee: A person hired in a permanent position of the county who is serving a probation period (first nine months of employment with the exception of Sheriff's Deputies, Detention Officers, and Tele communicators who must serve a 12 month probationary period)
- (d) Part-time Employee: An employee, either permanent or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Board of Commissioners as full-time.
- (e) Full-time Employee: An employee, either permanent or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Board of Commissioners as full-time.
- (f) Permanent Employee: A person appointed to serve in a position considered indefinite and permanent to the county and who has served a successful probation period of nine months for general county employees and or employees of Chowan County Social Services.
- (g) Temporary Employee: A person appointed to serve in a position that is time-limited (up to one year). This position shall be classified as temporary with the expectation of the employee that the position will end at a prescribed date. Persons hired in temporary positions must still meet minimum qualifications set forth for

the position classification. This type of appointment carries no county benefits and carries no protection under the State Personnel Act if employed in Social Services.

- (h) Appointing Authority: Any Board or Department Head with the legal or delegated authority to make hiring decisions.
- (i) Sheriff's Employee: Any employee of the Sheriff's Office, including Deputies, Detention Officers, Tele-Communicators, or any employee classified as Justice Officials under GS 17E and Civilian assigned to the Sheriff.

Section 4. Merit Principle

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and fitness based on standard recruiting measures. The goal of Chowan County is to hire the most competent, qualified, and fit person for any position without regard to race, color, sex, age, ethnicity, or any other physical characteristic.

Section 5. Responsibility of Board of Commissioners

The Chowan County Board of Commissioners shall establish all personnel policies that govern employees of the County, with the exception of any rules set forth by the State Personnel Act that governs employees of the County subject to the Act. The Commissioners shall also establish the classification and pay plan of all county positions, except those positions classified by the Office of State Personnel. The Board of Commissioners shall be responsible for the employment and supervision of the County Manager.

Section 6. Responsibility of the County Manager

The County Manager shall be responsible for the administration of all policies set forth by the Chowan County Board of Commissioners, including the administration of the personnel system as prescribed in this manual. The County Manager or his designee shall appoint, supervise, monitor, and remove if needed all county officers and employees unless otherwise provided for under the laws of North Carolina and or elected county officials. The County Manager shall be responsible for ensuring that all personnel policies are followed by each department as prescribed in this manual.

The Sheriff and the Register of Deeds, in accordance with GS 153A-103, have the right to hire, supervise, and discharge employees working under their respective offices.

The Director of Social Services shall be hired by the Board of Social Services and supervised directly by the Board. The Director of Social Services shall have the authority to hire, supervise, discipline, and discharge his/her employees under the governance of the State Personnel Act.

The County Manager shall:

- Monitor all personnel administration practices of the County
- Make recommendations for revision of rules governing personnel administration to the Board of Commissioners
- Present the position classification plan and any revisions to the Board of Commissioners
- Present the pay plan for approval to the Board of Commissioners and any revisions as needed
- Determine which employees shall be subject to the overtime provisions as provided by the Fair Labor Standards Act
- Maintain a roster of all county positions, employees, titles, pay plan, and other vital personnel information
- Monitor the recruitment procedures and maintain a file of each department's recruitment policies. Ensure compliance with minimum standards for recruitment set forth by this policy manual
- Develop and coordinate human resources training for all Department Heads and Management staff, including a minimum of two training sessions per year that involve Personnel Administration training.
- Conduct quarterly review of all personnel policies to ensure compliance with federal and state requirements for personnel administration and recommend changes as needed
- Any other duty assigned by the Board of Commissioners

Article II. CLASSIFICATION PLAN

Section 1. Adoption

The position classification set forth in this policy is hereby adopted as the position classification plan for Chowan County

Section 2. Allocation of Positions

The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan. Positions subject to the State Personnel Act are classified by the Office of State Personnel and the County Manager allocates those positions within the guise of the OSP recommendation.

Section 3. Administration of the Position Classification Plan

The County Manager shall be responsible for the administration and maintenance of the position classification plan, other than positions subject to State Personnel Act, so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. All positions in this plan must have a filed job descriptions which clearly outlines the work conditions, duties, and minimum qualifications for each position. Job Descriptions must be filed in each employee's Personnel Record. Job Descriptions must be updated annually at the minimum, or as work conditions change. The County Manager must be informed of any changes of any duties, conditions or other factors that may affect the classification of any position (except those subject to State Personnel Act).

Positions subject to State Personnel Act (Social Services) must submit changes in duties, work conditions, or other factors of employment to the Office of State Personnel, in which they will determine if a new classification is required.

Department Heads are responsible for:

- a. Making formal request for new positions that demonstrate both need, rationale, and associated costs
- b. Updating Job Descriptions as needed, minimum update required every 3 years
- c. Making the County Manager aware of any changes to a job description (with the exception of employees subject to State Personnel Act) so that the classification can be studied to assess if changes in classification are required

If the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, or if the County Manager finds that a new position should be established, the manager shall recommend that the Board of Commissioners amend the position classification plan to establish the appropriate position or classification. Classifications of positions subject to State Personnel Act must

be adopted by the county. New positions that the Social Service Agency wish to obtain must first be approved by the County Manager and Board of Commissioners, then submitted to Office of State Personnel for classification. Once the classification is obtained, the County Manager and Board of Commissioners have the final approval whether to establish the new position.

Classes of positions shall be added and deleted from the classification plan by the Board of Commissioners based on recommendations of the County Manager.

The Position Classification plan shall be filed in the County Manager's office. Social Services will also maintain its own Position Classification Plan as required by Office of State Personnel.

Article III. The Pay Plan

Section 1. Adoption

The schedule of salary grades and class titles assigned to salary grades, as set forth in this policy, is hereby adopted as the pay plan for the County

Section 2. Maintenance of the Pay Plan

The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in cost of living, the financial conditions of the County, and other vital factors. To this end, the County Manager shall make comparative studies of all factors affecting the level of salary ranges at least every three years and shall recommend to the Board of Commissioners such changes in salary ranges as appear to be warranted.

Section 3. Use of Salary Ranges

Salary ranges are established for each grade of pay. Each grade has steps within the grade so that applicable hiring ranges and meritorious increases can be applied. In addition, reclassifications and market adjustments can be applied within these steps.

The minimum step (step 1) is intended to be the normal hiring rate for the position classification. In cases where unusual circumstances appear to warrant a higher pay rate, such as specific experience, training, or education, the department head may request a higher step pay rate if deemed necessary and in the best interest of the county. Such requests must receive full approval from the County Manager before being offered.

The county also will have a formal plan to provide merit pay increases to all county employees. This plan will be adopted yearly based on available funding. Each Department Head, to receive merit monies for employees, must have an approved and formal evaluation system in place. Policies regarding who is eligible and the amount of merit raise will be provided yearly in the plan.

The county may also do market adjustments for any position in the pay plan. If the county learns that a certain position classification is not in line with typical market pay rate or a position runs comparably below like positions in the region or state, the manager can recommend, upon approval of the Board of Commissioners, market rate adjustments to bring certain positions up to market based pay. Positions should be studied every three years to ensure equitable market pay.

Section 4. Trainee Employee

(a) At times, applicants may be hired or employees promoted to positions for which they yet do not meet the minimum qualifications for the position. These persons will be considered Trainee employees of the County. The position must be designated as eligible for the trainee designation. A Trainee employee may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain a trainee employee until that time he/she has obtained enough work experience in that position to receive full classification. The hiring authority must determine the amount of time needed to obtain full classification and must document this determination both in the personnel file, to the County Manager, and to the employee.

(b) Employees of Social Services may be hired in the trainee status if employed as a Social Worker, a designated classification that allows the employment of a trainee employee. This determination is made by the Office of State Personnel. The employee will receive the Step 1 salary of the appropriate position grade minus \$1.

Social Services may also hire personnel in “work against” situations which allows the employee to work in a lower classification and pay grade so that they may obtain the credentials needed to fulfill the duties of the positions budgeted classification. All “work against” hires must be qualified in the lower classification by the Office of State Personnel before work can begin.

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

Pay rates may change when employees are promoted, demoted, transferred or reclassified. The following are general rules used in these situations:

- (a) Promotion: An employee who is promoted shall receive a minimum of one-step pay increase if within the same pay grade or at least the minimum salary of the new pay grade, whichever is higher. Pay increases for promotion can be for more than one step depending on education, experience, performance record, and time of service. Any promotional salary increase must receive approval from the County Manager.
- (b) Demotion: Any employee who is demoted due to disciplinary reasons may have his/her salary lowered from the current rate of pay. A disciplinary demotion must receive full approval from the County Manager with appropriate documentation from the Department Head or Authority.
- (c) Transfers: An employee transferring from one position to another position that is within the same pay grade may be eligible for a pay increase based on education and work experience. There can be no increase in base pay for lateral transfers.
- (d) Reclassification: If a position is reclassified, the position shall receive at least a one step increase if within the same pay grade, or the minimum salary in the new pay grade, whichever is higher. Positions may also be reclassified up to the employee’s current step in the new pay grade, depending upon budgetary conditions. All reclassifications must receive approval of the County Manager.

Reclassifications of Social Service employees are mandated by the state and must be implemented within assigned timeframes.

Positions that are reclassified to lower levels may result in a pay reduction to the person in that position.

Section 6. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid a pro-rated amount determined by converting the established salary for the position to an hourly rate.

Section 7. Overtime

Overtime work shall be that work performed by any Chowan County employee doing the business of the county that exceeds the number of hours set forth for that position as the established work week. Leave time can not be counted as hours worked.

Overtime should be limited by Department Heads at all times. It should be equally distributed whenever possible if required. All overtime work must receive prior management approval as established by the Department.

Employees are covered by the provision of the Fair Labor Standard Act. This act required employees classified as non-exempt (designation should be made on job description and filed with the Position Classification Plan) who are required to work overtime will be reimbursed with compensatory time off on the basis of one and the half times the overtime work hours worked (assuming total hours worked exceeds the normal workday). In special circumstances, at the County Manager's approval, employees may receive payment for overtime if deemed necessary.

Employees of the Sheriff's Office, Emergency Medical Services, Central Dispatch, or any other public safety department are subject to 24 hour on call. In addition, employees of these departments may receive overtime payment in accordance with Fair Labor Standard Act in lieu of compensatory time off for services provided, subject to budget and County Manager approval. Sworn officers and Detention officers of the Sheriff's Office shall be paid overtime for all special events work, such as State of Emergency, Sporting Events, and Public Events.

Overtime for non-exempt employees has the following provisions:

- (a). the work must be pre-approved by management personnel in the respective department
- (b). the work is of an unusual, unscheduled, or emergency nature, or is related to customer service
- (c). compensatory time off shall be granted and taken within a three (3) month period.

(d). maximum compensatory time which may be accrued is 480 hours for those in emergency services/response, public safety, and seasonal work; and 240 hours for all other Chowan County employees (no overtime can be approved for these employees if the maximum allowed is reached).

(e). in unique situations, where the maximum number of hours of compensatory time has been achieved, and the utilization of this compensatory time would put a burden on the department, the department head can request in writing to the County Manager to pay out a portion of the overtime to as not disrupt the unit. Department Heads at all times should do all they can do to minimize overtime in general and establish policies that minimize paid overtime.

In unique emergency situations including natural disasters, times of war, or social unrest, where employees are required to work long and continuous hours, the County Manager may approve compensation pay at time and one half (1 ½) for those hours worked by all Chowan County employees and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Employees of Chowan County designated as *Exempt* under the Fair Labor Standards Act, are expected to work the number of hours it takes per week to accomplish the duties of the job description. Exempt employees have no right to or claim of any hours worked in excess of 40 hours. Exempt employees are unable to earn overtime based on their classification under Fair Labor Standards Act and shall not carry compensatory time records. During the time of an Emergency, including Federally Declared Disaster, Natural Disaster, Time of War, or social unrest, employees with “exempt” classification may be granted compensatory time at the overtime rate of one and a half (1 ½) by declaration of the County Manager.

The County of Chowan will follow all set forth rules and regulations of the Fair Labor Standards Act. A copy of these rules will be available in each department at a designated location for review by employees. All management personnel shall be familiar with the rules set forth in the Fair Labor Standard Act and shall have annual training regarding these rules. An attachment can be found in the back of this manual that describes how compensatory time is calculated for County employees on a 40 hour workweek. Employees of the Sheriff’s Office and Register of Deeds shall have written departmental policies regarding how overtime is earned, calculated, and submitted.

Section 8. Payroll Deductions

Only payroll deductions specifically mandated or authorized by Federal or State laws or authorized by the Board of Commissioners may be deducted at each pay period from each employee’s pay. Employees may also choose from many optional programs that offer payroll deductions, such as 401k, College-Bound, SECU loans, Insurance, and any other programs available as benefits to Chowan County employees. These deductions are employee options and must be authorized by the employee.

Section 9. Travel Policy

Chowan County allows for reasonable reimbursements for expenses incurred when an employee travels on behalf of the county to conduct county business and attend meetings, trainings, and seminars that enhance the staff development of employees. The following policies relate to business related travel reimbursements:

(a). Each Department must provide employees a travel reporting form which will be turned in to the Department's designated Finance Person or Department Head. This form will be the record for which the employee reports covered expenses associated with business related travel. This form should be turned in to the Finance Office no later than the 6th of each month.

(b). Mileage: Chowan County will reimburse for any mileage accrued on behalf of the County. To be reimbursed for mileage, a minimum of \$5 must be obtained, and or a combination of all travel expenses must equal at least \$5. Employees that have less than \$5 of mileage or travel expenses combined shall submit for reimbursement once that level has been obtained. The mileage reimbursement rate is set annually by the county and will be distributed to each department. All employees must keep accurate records of miles traveled on behalf of the county.

-If an employee is leaving directly from their residence, they can claim that mileage as long as it does not exceed the distance traveled from the office. If the employee leaves directly from the residence, and the total distance travel exceeds the distance that would have been traveled from the office, the employee must claim the lesser of the mileage.

-Travel to and from work to home is not reimbursable

-Department Heads have the right to deny or reduce mileage reimbursement if they believe the mileage is fraudulent or incorrect.

(c). Meals: Chowan County will reimburse for meals while conducting county business. Meals that are eligible include:

-Meals during the timeframe you are actually conducting county business (if not included as part of the meeting or registration for a meeting)

-Breakfast if you are staying overnight or if you are required to depart prior to 6:30am, you may claim breakfast for that day

-Dinner if you are staying overnight or if you will not return home from the business till after 7pm.

The adopted meal limits include meal, drink (non-alcoholic), dessert, and tip. These limits will be provided to staff in annual memorandum. In special or extenuating circumstances, the County Manager may approve meals above the established limit.

Employees who use personal funds to purchase meals must submit receipts with their travel report to receive reimbursement, up to the allowable rate. Amounts up and above the allowable meal allowance will be the responsibility of the employee. Employees must submit the actual meal receipt which relates the specific items ordered. This receipt is

required to prevent fraud. Failure to provide this receipt will result in no reimbursement for that meal.

Employees who use county credit cards as authorized must submit credit card receipts with their travel report, in addition to the actual meal receipt. Charges that exceed the meal limit will be the responsibility of the designated employee with the credit card, and reimbursement to the county via payment or deduction from the overall travel reimbursement is required.

Chowan County, under no circumstance, will provide reimbursement for or cover charges for alcohol or personal entertainment. These expenses are the sole responsibility of the employee. Attempts to obtain reimbursements for such charges, or other non-covered expenses, will result in disciplinary action.

(d) Hotels: Chowan County will cover reasonable rates for hotel accommodations if required for the business. If a meeting provides a block of rooms at a designated hotel, the county will cover this expense as long as it is reasonable and within market rates for the area. If an employee must secure their own lodging, the county will cover reasonable rates for the area as approved by the Department Head. The Department Head has sole authority to determine what is reasonable and may deny reimbursement if an employee elects to stay in a hotel that is deemed unreasonable.

(e) Other Policies:

- All travel must be pre-approved by Department Head or designated manager
- All travel costs, when possible, should be conducted with vouchers ahead of the actual travel
- Phone Cards may be used while traveling to complete one 5 minute phone call to the employee's home per day.
- Employees traveling with family or other non-county persons cannot claim reimbursement on behalf of those persons.
- Employees are encouraged to carpool and share rooms when possible and viable.
- Any misuse of county travel, fraudulent claims, falsified documents, or inappropriate behavior while on county business shall result in disciplinary action, up to and including dismissal.

ARTICLE IV. RECRUITMENT, SELECTION, AND EMPLOYMENT PROCEDURES

Section 1. Statement of Equal Employment Opportunity

It is the policy of Chowan County to foster, maintain, and promote a diverse workforce through establishment of an equal employment opportunity system. The County shall select employees on the basis of applicant qualifications without regard to age, sex, race, color, creed, religion, political affiliation, or national origin except where specific age, sex, or physical requirements are stipulated for the qualifications of the position.

Applicants with physical handicaps shall be given equal consideration without regard to their handicap in which reasonable accommodations can be made under the Americans with Disabilities Act.

The County Manager and designated hiring authorities under the county shall implement this personnel policy to assure equal employment opportunity based on qualifications. Selections should fairly consider and encourage minorities, women, the handicapped, or other groups that are substantially under-represented in the work force.

The County has an Equal Opportunity Policy (Attachment C) located in the appendices of this manual.

Section 2. Recruitment and Selection of Candidates

Each Department of the county shall develop and file with the County Manager's Office a Recruitment and Selection Policy. This policy shall also be made available to all current staff of the Department. The policy shall incorporate the following policies:

- a. A designated area within the department for which recruitment notices will be posted
- b. Policies regarding how the Department will advertise the job outside the department, including how applications will be received
- c. Policies regarding how candidates are selected based on credentials and qualifications
- d. Statements that affirm hiring practices will be based solely on candidate qualifications and measures that will be taken to prevent discrimination of any kind
- e. Procedures used to make the selection of a candidate, including the interview process, any candidate qualification process, verification of education and experience, and reference checking

Each Department must have their Recruitment and Selection Plan approved by the County Manager. Any modifications to the plan must be submitted and approved as well. While the Sheriff's Office, Register of Deeds, and Social Services will develop a plan, the Department Heads in these respective departments have appointing authority.

The Department, at the minimum, must advertise any openings within the Department. They may also elect to advertise outside the department if no qualified applicants can be found within the department or if the Department Head feels a wider applicant pool is needed. An application is required for any candidate, internal or general public, to be considered.

Section 3. Job Advertisements

Any vacancy with the County will require a Recruitment Notice be developed. A Recruitment Notice is a summary of the position for which there is a vacancy. The Recruitment Notice will contain at least the following information:

- a. Position Classification
- b. Brief description of duties and responsibilities
- c. Salary Grade and Range
- d. Closing Date of the Recruitment
- e. Minimum qualifications for the position, including education, training, and experience
- f. Knowledge, Skills, and Abilities for the position
- g. Notification of any special training, certification, or license that may be required for the position
- h. An equal opportunity statement

The Recruitment Notice must be posted in the designated location within the Department. The Recruitment Notice may also be posted in a designated area for all county employees. If the Department utilizes the Employment Security Commission, the Recruitment Notice should be submitted to ESC, along with a Job Description and a copy of the American with Disabilities Checklist.

Departments that conduct their own recruitment and application process should ensure proper public notice of positions when the department is recruiting from the general public. These notices should include: Recruitment notices mailed to other county departments in the state, trade papers, county website, local newspapers, and designated public postings. Departments that elect to list positions with Employment Security Commission are not required to advertise above that listing; however, they may elect additional advertisements, including recruitment notices to other county departments in the state, trade papers, county website, newspapers, or other public postings.

Section 4. Applications for Employment

When a County Department decides to recruit from the general public, any persons interested in the position will be given the opportunity to apply. As part of the Recruitment and Selection Plan, each Department must have on file with the County Manager's Office how they will receive outside applications. No person shall be denied the opportunity to apply for a vacancy that is listed with the general public. Each Department needs to ensure openings are properly advertised to the general public as part of their Recruitment and Selection Process.

An application is required from any person, internal or general public, wishing to be considered for an opening within the county.

Section 5. Applications Reserve File

All applications received for a position opening will be kept on file for a period of 2 years from recruitment date. New applications are required for each new opening. Department Heads shall periodically review Application Reserve Files to ensure proper administration of recruitment policies.

Section 6. Qualification Standards

Any person hired into a position must meet the minimum qualification standards for the classification. Minimum qualifications shall be reviewed on a periodic basis to ensure proper minimum standards for the classification. The county may hire applicants in a trainee capacity if it is determined this person is best for the position based on applicant pool deficiencies or other variables that do not violate federal or state hiring laws.

Departments subject to State Personnel Act must have all applicants qualified by State Office Of Personnel unless the department has been credentialed by OSP to qualify applicants (delegated authority). Departments subject to State Personnel Act may hire in a “work against” capacity, which allows an applicant to be hired in a lower, similar classification and obtain credentials in stated time period to qualify for the position classification. Departments in this situation may also hire trainees.

Section 7. Appointments, Promotions, and Transfers

It is the goal of the county to create career opportunities for its employees whenever possible. Therefore, the Department Head shall give strong consideration to applicants from within the county. However, the Department Head shall make all efforts to hire the most qualified person for the position; therefore, the Department Head must carefully consider the qualifications of all applicants in the filling of the position.

If a Department Head wishes to promote an employee to a higher level position classification, they must forward the name of this employee to the County Manager with recommendations for classification and salary. The County Manager shall then consider the recommendation and provide final approval to the Department Head.

In the case of the Sheriff’s Office, Register of Deeds, and Social Services Department, the Department Head has appointing authority and shall submit the name of the employee being promoted with the recommended classification and salary. If the Department Head is seeking a higher salary than Step 1 within the new grade of the promotion, he/she must have County Manager approval of that salary.

An employee desiring a transfer to another position of like classification within the department for which he/she is working must do so in writing to the Department Head. The employee must provide the Department Head reasons and justifications for an internal transfer. If justified, as deemed by the Department Head, and the transfer is within the same position classification, the employee shall submit an application for the next available opening and a transfer can be conducted without listing the position via Recruitment and Selection Procedures, pending approval of the County Manager (with exception to Sheriff's , Register of Deeds, and Social Services). Internal transfers to similar position classifications must have just cause that is beneficial to the agency. The Department Head can deny a request for an internal transfer if the Department Head feels the request is unjustified. An internal transfer will not result in an increase in pay and cannot be to a position that has a higher pay grade than the current position worked by the employee.

The County Manager may also approve inter-departmental transfers if a person submits a request and it is deemed justified. An employee can submit a request for a transfer to another county department to both the Department Head for which the employee works and the County Manager. The request must have reasons for the request. If deemed appropriate, the Department Head and County Manager can agree to an inter-departmental transfer. The position must be similar in classification as the position held and be no higher than the pay grade of the current employee. No increase in pay can be obtained via a transfer of this type.

Section 8. Probationary Period for New Hires

All employees, with exception of the Sheriff's office, hired by Chowan County shall serve a 9 month probationary period. New employees hired by the Sheriff's Office are required to serve a 12 month probationary period. The probationary period is the period used to train and assess the quality of work of the new hire to determine if permanent status will be granted as well as a time for the employee to assess if they are interested in the position and feel they are appropriate for the job. During the probationary period, the employee may be dismissed for performance or personal conduct without the right of appeal under county appeal policies. Probationary employees that are dismissed will be given a letter of dismissal outlining specific reasons for the action. **A county employee can serve only one probation period once hired.**

At the end of the 9 month probationary period (12 month probationary period for employees of the Sheriff's Office), the Department Head shall determine whether to grant permanent status to the employee. The Department Head, or designated supervisor in conjunction with the Department Head, shall be responsible for monitoring the performance of new employees and shall provide regular feedback, through established Evaluation system, to the employee regarding overall performance, strengths, deficiencies, and any other work related indicator. Department Heads, excluding the Sheriff, Register of Deeds, and County Social Service Director, shall recommend in writing permanent status to the County Manager. The letter should highlight evaluation statistics, strengths and weaknesses, and other employment factors relevant to permanent

status. If a Department Head determines that the employee shall not be granted permanent status, they must make this determination and take appropriate action no later than the last day of probationary employment.

Employees that are serving in a probationary period are not eligible to transfer to a new position of different classification; therefore, probationary employees are ineligible to apply for other positions within the county during probation. Once permanent status is obtained, employees are then eligible for consideration in other position classifications and may apply at that time.

Section 9. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination on the basis of disability. It is the intent of Chowan County not to discriminate against any qualified individual with a disability(ies) in regard to employment, advancement, training opportunities, compensation, disciplinary action, reduction-in-force, and other terms or privileges of employment.

- A. Who is Protected: Title 1 of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of substantially limiting impairment, and people who are regarded as having substantially limiting impairment.

Under the ADA, an individual must have, have a record of, or be regarded as having a substantial , as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, working, learning, or caring for self.

An individual with a disability must also be qualified to perform the *essential functions (basic job duties that an employee must be able to perform, with or without reasonable accommodations)* of the job in order to be protected by ADA.

- B. Essential Functions: Essential Functions are the basic job duties that an employee must be able to perform with or without reasonable accommodations. It is the responsibility of each department head and management to examine each position description carefully to determine the essential functions. Each position classification shall have an ADA checklist attached to the job description for that classification. This checklist shall be made available to potential applicants when recruiting.

In determining Essential Functions, these factors must be considered:

- Are the tasks truly essential to the position and required to be performed on a regular basis

- Does the position exist to perform a specific task
- How many employees are available to perform the job function- in smaller units that may lack supportive services, more functions may be required
- Is the function specialized and the person hired require expertise
- How much time is spent doing the function
- What is the consequence of not performing the job- smaller functions that may carry higher consequences if they fail to be performed correctly can weigh them greater
- Other factors such as nature of work, organizational structure, field work, etc must all be considered

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

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

It is a violation of the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the department. Undue hardship means that the accommodation would require significant expense, be extremely extensive or substantial, or disrupt the nature of the unit or department. Chowan County must give the applicant or employee with a disability the opportunity to provide the accommodation or pay for a portion of the accommodation that constitutes an undue hardship

D. Pre-Employment Inquiries: It is unlawful to:

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

Other inquiries that cannot be asked during a job interview include:

- the nature and severity of a visible or disclosed disability
- the condition causing the disability
- prognosis or expectation regarding the condition or disability
- whether the person will need treatment or special leave due to the disability

- treatments of any conditions or diseases
- hospital stays and conditions
- psychiatric care history
- treatments for major illnesses
- sick days taken on previous job
- inquiries regarding physical problems that will preclude one from performing certain kinds of work
- disabilities that may affect performance
- prescription drugs
- past treatments for drug or alcohol problems
- information about previous work related injuries or workman's comp issues
- questions regarding general health
- treatments of applicant or family members

Section 10. Performance Appraisal

Each department of Chowan County Government shall have an approved performance evaluation system in place that will provide a thorough evaluation of the employee's performance over a prescribed time period.

Departments must evaluate employees on permanent status at least annually. The evaluation shall be the completion of an approved evaluation tool and a formal scheduled meeting with the employee by the Supervisor or Department Head in which the evaluation is covered in great detail. The evaluation shall also provide for employee response and feedback.

Departments shall evaluate probationary employees on a daily basis and provide a formal evaluation every three months until permanent status is granted. The formal evaluations shall involve both the completion of the approved performance tool and a formal meeting in which the tool is reviewed and feedback provided to the probationary employee regarding progress in job performance and conduct. The evaluation shall also provide for employee response and feedback.

Any employee who disagrees with the contents of their evaluation shall request a meeting with the Department Head and respective supervisor if appropriate to provide verbal feedback on the evaluation.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Workweek

The county will define its workweek as Sunday, 12:01 a.m. – Saturday, 11:59 p.m.

Employees in administration, management, supervision, or professional capacity shall work the number of hours necessary to assure the satisfactory performance of their duties. This may require after hours work, on-call work, or emergency work as needed. For employees hired in positions deemed “professional,” which is defined as requiring a college degree to be hired for the position, the Department Head may have flexibility in designing work schedules that allow the needs and demands of that position and employee to be met, as long as the minimum hours established are worked. Such critical positions that may require overtime, on demand response, community outreach, or other critical services may require flexibility in work schedules to obtain certain goals and objectives. Such flexibility shall receive County Manager approval prior to implementation and shall be the exception. Only certain professional, critical demand response positions will qualify.

Sheriff Deputies and Detention Officers are subject to shift work, weekends, holidays, and on call work. Employees in these capacities shall work 171 hours in a 28 day work period before becoming subject to the overtime provisions as provided by the county.

All other county employees required to work shift work, weekends, holidays, and on call work are subject to work 40 hours per week before becoming subject to the overtime provisions as provided by the county.

The County Manager, in unusual circumstances or in a response to natural disaster/emergency, may alter the work schedule at his/her discretion.

Section 2. Gifts and Favors

No elected official, officer, or employee of the County shall accept any favor or reward, whether in the form of service, loan, or promise from any person or organization if that favor would jeopardize the integrity of county services or county business.

No elected official, officer, or employee of the County shall personally benefit financially as a result of any provided service on behalf of the employee and or the County.

No elected official, officer, or employee of the County shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.

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

Section 3. Political Activity Restrictions

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

No employee, however, shall:

- engage in any political or partisan activity while on official duty
- use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office
- 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 by another employee of the County
- use any supplies or equipment of the County for political or partisan purposes
- run for an elected office which provides a conflict of interest for their position

Employees subject to the State Personnel Act and employees in certain federally-aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to conditions noted above, also prohibits candidacy for elective office in a partisan election.

Any violation of the above policy in this section is subject to disciplinary action up to and including dismissal.

Section 4. Outside Employment

Employees of the County that are employed for 20.5 hours or more and receive full benefits under the County Personnel System shall consider the work of the county as the primary career position. Any employee desiring to conduct paid or unpaid work up and above the primary position held with the County must complete a Supplemental Employment Request Form (Form found as Attachment “H” in the back of this manual). The Employee must have approval prior to engaging in unpaid work or paid work that results in a salary, wages, or commission and or self employment. The Department Head must review the request to ensure that the secondary employment does not interfere in any way or manner with the position held for the County. If the Department Head finds that the secondary employment will interfere, the Department Head will deny the request for secondary employment. Any employee who engages in secondary employment without prior approval or in non-compliant with the denial is subject to disciplinary action, up to and including termination.

Any secondary employment that is approved but is later found to interfere with the duties of the County’s primary position must be terminated immediately.

An employee of the county may not be employed in secondary work with another department or position for the county as such work violates Fair Labor Standard Act regulations.

Section 5. Limitation of Employment of Relatives

The employment of close relatives within the same department is to be avoided unless extenuating difficulties exist. County Manager approval is also required for relatives to be employed within the same department. Failure to obtain such approval will result in separation of the hired employee.

The following rules shall apply regarding the employment of relatives:

- i. Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- ii. Immediate family: defined as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, and or any various combinations of half, step, in-law, and adopted relationships that can be derived.
- iii. Department Heads which answer directly to an appointed supervisory Board shall not have immediate family members appointed to this Board
- iv. 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 General Statutes.

Section 6. Dress Code

In a desire to maintain a professional work environment, the county establishes this dress code for all employees.

Employees that work in departments where uniforms are standard issue shall maintain and wear these uniforms while on duty and or representing the county. Employees that work in such departments where dress is more casual, such as the Recreation Department, the Department Head may set the standard as appropriate to the job.

Employees that work in departments where uniforms are not standard issue shall maintain a professional image in both appearance and dress while at work or representing the county on official business. Employees shall use reasonable judgment in determining what is professional dress and appearance.

While the employee is allowed to use reasonable judgment to determine what appropriate professional attire is, the department head or designee has the authority to deem dress or

appearance unprofessional and can require the employee to immediately make changes in dress or appearance. Employees that consistently abuse the Dress Code policy are subject to disciplinary action.

Departments may elect to implement a casual day in which the dress code may be relaxed while maintaining professional appearance. In addition, if unusual work is required, the department head may alter the dress code as he/she sees fit.

Section 7. Code of Ethics

Employees of Chowan County are expected to maintain the highest degree of professional behavior and ethical conduct at all times. The following ethical values are to be practiced by all employees of Chowan County:

- Employees shall be honest at all times with the public, the employer, and all persons involved in the workplace
- Employees shall treat all persons conducting business with the County as well as each other with respect and dignity
- Employees shall not intentionally cause or create a situation that is harmful or dangerous to the public we serve
- Employees shall respect and maintain the values and principles of their program and conduct themselves within the value system set forth by the respective department
- Employees shall not violate the public trust in any form or manner by engaging in behavior that is immoral, illegal, or in anyway violates the public trust

Departments also have the right to establish their own Code of Ethics as it relates to their particular jobs or service or adopt codes from associations and licensing organizations. These codes are additional to the code adopted in this manual.

Section 8. Confidentiality

Many services of the County have specific rules or laws governing the confidentiality of the public served, especially in sensitive services, where information is obtained regarding the public. Employees should be familiar with specific rules and laws that may govern the program for which they work. A violation of confidentiality by an employee of the County is ground for disciplinary action, up to and including dismissal.

Section 9. Internet and Phone Use for Personal Reasons

Each employee has access to either a county operated phone or a computer which contains internet services provided by the County. Many employees have access to both.

The County phone and internet system are owned and operated by the County and are to be used to conduct the business of the County. Personal use of these systems shall be limited and reasonable.

Phone: Employees should limit personal phone calls to no more than 10 minutes per day. Employees are encouraged to make their personal calls during established break or lunch times. Employees shall not make personal phone calls that incur a charge to the county (long distant or other call where a charge is made).

Employees are allowed personal cell phones at work but should use these phones only for emergency purposes or limited phone calls during break times. Excessive use of cell phones while on work time is grounds for disciplinary action.

Internet/Computer: Employees that have access to the Internet or a computer system are given this tool to enhance their ability to conduct their job. A binding agreement is signed for use of a computer by the county employee. The employee shall use the internet for work related use only. Personal use of the internet should be limited and reasonable and shall not involve visits to sites that are considered inappropriate or illegal.

Employees shall not misuse their computers, programs, or software to obtain information from these sources that is not related to the job and job functions. Employees that have access to such systems shall use them only for work related purposes. Access to such systems includes but is not limited to DMV, Tax, EIS, and other data systems. Access is granted to such systems and programs to conduct county only business. Any employee found misusing such systems is subject to disciplinary action up to and including dismissal.

Any violations or misuse of the County phone system or computer system is grounds for disciplinary action, up to and including dismissal.

Section 10. Use of County Property

Property of the County is to be used specifically for County business and shall not be used for personal use, unless otherwise pre-approved by Department Head.

Employees shall not remove County owned materials or supplies for their personal use. Employees that conduct this behavior will be subject to disciplinary action, up to and including dismissal.

Employees that have county issued cell phones may use them for reasonable personal use. Department Heads shall monitor this use on a monthly basis to ensure no abuse of county issued cell phones is occurring. If a Department Head deems an employee is using the cell phone for non-county business in an excessive manner, he/she may require reimbursement from the employee.

County employees that separate from the County shall not tamper with or remove official documents or files from their computer or office. Employees are allowed to remove any personal files or papers that are stored within their office. Employees found to be tampering with official documents in any way shall forfeit their vacation payout upon separation and may be subject to civil or criminal prosecution if deemed necessary.

Section 11. Media and Public Relations

In an order to maintain an effective and healthy public relations situation, each Department shall establish a Media and Public Relations Plan that is accessible to all employees and filed with the County Manager. The plan shall establish the procedures for which communications to the media occur regarding departmental programs, issues, problems, and other vital communications. The plan shall be reviewed and updated every three (3) years.

At times, during natural disasters or critical county issues, the County Manager may designate a public relations officer. In this case, the Public Relations Officer shall be the only contact with the media and all other employees shall defer questions from the media to the Public Relations Officer.

Section 12. Breaks and Lunch

County employees are allowed two 15 minute breaks per day, one during the first half of a shift and the second during the last half of a shift. Employees are allowed one hour for lunch. Employees subject to work hours above the normal working day shall consult with the supervisor or Department Head regarding additional break time.

Employees of the Sheriff's Office are subject to being on-call during break and lunch, which may be countable work hours.

Section 13. Health and Fitness

The County will promote the health and wellness of its employees by offering a range of wellness activities on an ongoing basis. The County will encourage, through programmatic efforts, general health and wellness by allowing access and participation by all employees. Certain position classifications may be subject to required health and wellness activities and may be tested on an annual basis to ensure proper performance when physical health is an essential function of the position, especially in the protection of public.

Section 14. Conflict of Interest

Chowan County employees are employed for the public benefit. Therefore, all county employees shall practice good public relations and not obtain personal gain from employment or display any actual or notion of conflict of interest. The integrity of county services relies heavily on the employee's ability to maintain professional judgment and integrity at all levels of service.

Employees should avoid any and all conflicts of interest that may damage the county and county services. Specific conflicts of interest include (but are not limited to):

- Holding a non-public position which may interfere with the proper discharge of public duty
- Using confidential information gained as the result of public employment for personal gain or benefit
- Accepting or soliciting gifts and favors
- Using an official position for personal gain
- Holding investments which may interfere with the proper discharge of public duty
- Receiving or participating in commissions of any kind or accepting finders' fees resulting from County purchases or from employment of contractors or consultants
- Receiving compensation for County services from any source other than the County, except as provided by law
- Transacting any official County business with any business entity of which the employee is an officer, director, agent, or member, or owns a controlling interest
- Holding personal investments in any enterprise which might create a conflict with the public interest
- Rendering County goods or services to any person, firm, association, or corporation in which the County employee serves as an officer or employee
- Engaging in employment in non-duty hours in an activity or enterprise which is inconsistent or incompatible with County employment
- Use County facilities, supplies, equipment, materials, or on-duty personnel for outside employment or business interest

All employees will sign a Disclosure of Information statement upon hire and will annually certify in writing their understanding of the County's policies in regards to conflict of interest and outside employment. These forms will be maintained in the employee's personnel file (Form found as Attachment "G" in the back of this manual).

Section 15. Uniform Policy

It shall be the policy of Chowan County to provide its employees uniforms when required of the position. Positions that require uniforms will be determined annually and properly budgeted.

Each employee is responsible for the care and maintenance of the uniforms issued to them. Employees shall utilize these uniforms for intended purposes only. Uniforms shall be worn in a manner intended and a professional appearance shall be maintained when in uniform. Individual departments may set forth rules on how uniforms shall be worn and presented.

Each employee is responsible for keeping up with each piece of uniform issued to them. Any item of the uniform that is lost by the employee will be replaced at the employee's

expense. Any uniform damaged or destroyed through negligence or abuse shall be repaired or replaced by the responsible employee at their expense.

Uniforms damaged or destroyed or worn out in the line of duty will be repaired or replaced by the department at no cost to the employee. It is the responsibility of each employee issued a uniform to report any maintenance needs to their respective uniform.

All uniforms must be returned to the County upon separation of employment prior to receiving employee's final paycheck. Any missing, damaged, or destroyed uniforms returned prior to separation will be deducted from final compensation.

All other property of the County shall be returned to the County prior to separation, including keys, badges, and County issued equipment. Failure to return such items in working order will result in financial reimbursement to the county through payroll deduction or other action deemed necessary.

Section 16. Inclement Weather Policy

In the event of inclement weather that may pose a threat or safety risk to employees, it shall be the County Manager's decision to delay or close certain county offices.

Departments that must maintain operations during inclement weather shall have a plan in place to maintain operations during inclement weather. This plan should address all aspects of operations and reporting to work.

For Departments that can be closed during inclement weather, the County Manager will make a decision no later than 2 hours prior to opening regarding any delays or closing. The 'First Call' system will then be implemented to contact county employees that are affected by the delay or closing.

Employees that are affected by a delay or closing will not be required to take leave time for the authorized closed times. However, any time beyond authorized closed times will be charged to the employee's leave time.

Departments considered critical and that require being open during inclement weather shall be determined annually and each department shall have a written plan in place to deal with the maintenance of operations during inclement weather.

ARTICLE VI. TYPES OF LEAVE AND RULES GOVERNING LEAVE

Section 1. Holidays

Employees and other officers of Chowan County working the basic workweek shall receive the same holiday with pay as those observed by the state of North Carolina. In order to be eligible for holiday pay, a temporary County employee must have worked the full regularly scheduled workday before and after the holiday.

The following holidays are observed at this time:

New Years Day	Labor Day
M.L. King Birthday	Veterans Day
Good Friday	Thanksgiving Day +Friday After
Memorial Day	Christmas Eve, Day, Day After
Independence Day	

A holiday, other than Christmas, that falls on a Saturday or a Sunday, will be observed on the Monday following the holiday date.

For Christmas holidays, the following schedule applies:

Christmas Day Falls On:	County Observes:
Sunday	Friday, Monday
Monday	Monday, Tuesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Thursday, Friday
Saturday	Friday, Monday

Section 2. Effect of Work on Holidays on Other Types Paid Leave

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

Section 3. Holiday – When Work Is Required

Employees required to perform work on a regularly scheduled holiday must be granted compensatory time off or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. Compensatory time shall be granted whenever feasible and must be taken within a 3 month period from the date earned.

Section 4. Vacation Leave

Vacation Leave is a benefit granted to employees working in permanent positions of the county . It is to be used for personal leave time. It may also be used for medical reasons if sick leave is exhausted. Vacation Leave must receive prior approval of the direct supervisor or department head, or if neither of those positions are immediately available, another supervisory person must clear the leave. Vacation leave earned in a month is not eligible for utilization until the following month.

There are peak times, such as holidays and summer, when numerous employees may request vacation leave at the same time. Employees must realize that the business of the county must continue during days the county is open, and in some cases, 7 days a week. Staffing demands of the department may be so inclined that vacation time can be denied if the leave time will put a hardship on the department and risk services. Supervisors and Department Heads must plan accordingly to have all departments and units staffed appropriately. In the event of multiple leave time requests, supervisors/managers and or department heads must use prudent judgment in the determination of granting leave requests.

Employees that have compensatory time earned but not yet utilized shall use such time before utilization of vacation leave.

Section 5. Vacation Leave – Initial Probationary Appointment

New hires of the county, probationary employees, will start to earn vacation leave at the end of their first full pay period. Vacation leave may be taken by probationary employees within accordance of leave rules of the department once the leave is earned.

Section 6. Vacation Leave- Manner of Accumulation

Any regular permanent employee working the basic workweek shall earn vacation leave at the following rates:

<u>Yrs. Of Service</u>	<u>Hrs.Earned Per Month</u>	<u>Days Earned Per Year</u>
Less than 5	8	12
5-10	10	15
10-15	12	18
15-20	14	21
20+	16	24

Vacation leave earned by employees having a workweek of more than twenty hours per week shall be determined in accordance with the formula set forth in Section 17 of this Article.

Vacation time earned in a one month period is not available until the beginning of the next month.

Chowan County will recognize creditable years of service to the county in the determination of rate of accumulation for employees that leave county service and later return.

Chowan County reserves the right to negotiate a higher rate of accumulation of vacation time in extreme cases in which it can assist the county in the recruitment of highly qualified and experience individuals in key positions such as exempt positions or public safety. This adjustment can only be made with the approval of the County Manager and should only be employed when it may benefit the county in hiring an extremely qualified individual with a vast amount of experience in the position for which he/she is being sought.

Section 7. Vacation Leave- Maximum Accumulation

Annual earned 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 annual leave shall not exceed 240 hours. On December 31, no employee shall carry forward more than 240 hours to the next calendar year.

Maximum accumulation per calendar year is:

- 240 hours for full-time employee
- 180 hours for $\frac{3}{4}$ time employee
- 120 hours for $\frac{1}{2}$ time employee

Any vacation time in excess of the maximum amount as of December 31 will be automatically transferred to sick leave.

Employees are encouraged not to maintain balances of vacation leave up and above the maximum allowable rate. No special considerations can be given at the end of the calendar year for employees that have excessive vacation leave.

Section 8. Vacation Leave – Utilization

Annual Vacation Leave may be taken up to the number of hours earned that are eligible by any Chowan County employee in a permanent position with the approval of a supervisor or department head. Each county department should have a set of rules established for the request and utilization of leave.

Leave time taken without prior approval as dictated in department policy may result in a Leave Without Pay situation and may result in disciplinary action.

Section 9. Vacation Leave- Terminal/Separation Pay and Repayment of Annual Leave

An employee who is separated with at least two weeks notice from County employment shall be paid for annual leave accumulated to the date of separation not to exceed 240

hours. Any annual leave owed the County shall be deducted from the employee's final compensation.

Section 10. Vacation Leave- Payment of Accumulated Annual Leave Upon Death

The estate or designated beneficiary(ies) of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated annual leave credited to the employee's account not to exceed the maximum of 240 hours.

Section 11. Sick Leave

Sick Leave is a benefit granted by the county to employees working in permanent positions for the county. Sick Leave is leave that is utilized when an employee or a member of an employee's immediate family is sick due to illness or injury. Sick Leave MAY NOT BE USED FOR PERSONAL LEAVE.

Sick Leave is to be used primarily for the employee. An employee who is ill and cannot perform their duties may utilize sick leave if they have the appropriate hours earned. Sick leave may also be used for visits to a physician, minor operations/surgeries, injuries, dental examinations and treatments, and contagious diseases that may jeopardize the health of others. Sick Leave may also be utilized by the employee towards any Family Medical Leave taken as a result of that policy (Section 27). Sick Leave should be temporary. Sick Leave that exceeds three consecutive days will require a physician's certificate and will require authorization from the Department Head.

Sick Leave may also be utilized to provide care for an immediate family member who may be ill. An immediate family member is deemed to be: spouse, child, mother, father, or grandparent. Special considerations can be made for siblings by request of the employee. Sick Leave taken for the care of immediate family should be temporary. If the leave exceeds three days, physician certification is required and authorization to exceed three days for care of immediate family needs to be received by the Department Head.

Sick Leave may also be utilized for a death (bereavement leave) in the employee's immediate family. Immediate family is defined in bereavement leave as: spouse, child, parent, grandparent, sibling, guardian, and combinations of half, step, and in-law adopted relationships. Sick Leave for the death of an immediate family member should not exceed three consecutive days. If additional days are needed, the employee must obtain authorization from the department head.

Any and all Sick Leave must receive approval from at least the immediate supervisor, unless indicated elsewhere. Notification of the sick leave should be done as soon as possible but no later than two (2) hours after the beginning of the scheduled workday. The employee needs to receive verbal approval from at least the immediate supervisor (aka the employee shall not leave a message regarding the sick leave). If the immediate supervisor is not available, the employee should contact another member of the

management staff for the department or the department head. Each Department will have written rules regarding the requesting of Sick Leave available to all employees.

Employees that have Compensatory Time earned but not yet utilized shall use such time before utilization of any Sick Leave.

Section 12. Sick Leave- Manner of Accumulation

Any regular full-time employee working for the County of Chowan shall earn sick leave at the rate of 8 hours per month, or 12 days per year.

Sick leave earned by a regular employee having a workweek with fewer hours than the standard workweek shall be determined in accordance with the formula set forth in Section 17 of this article.

Section 13. Sick Leave –Maximum Accumulation

There is no maximum limit on how much Sick Leave an employee can accumulate

Section 14. Sick Leave- Physicians Certificate

An employee that is out on Sick Leave for more than 3 consecutive days may be required to provide a physician's certificate to justify the Sick Leave.

A supervisor or department head may also require an employee to present a physician's certificate if:

- a. The management has reason to believe the leave is fraudulent
- b. There is constant utilization of Sick Leave up and above a normal rate of use
- c. The employee exhausts all sick leave and or the sick leave balance stays below a 40 hour balance

Section 15. Sick Leave- Retirement Credit for Accumulated Sick Leave

One month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at time of retirement to employees who are members of the NC Local Government Employee's Retirement System.

Section 16. Sick Leave- Previous Leave Credits

Sick leave credits accumulated by each County employee shall be retained as of the effective date of this policy. Sick Leave credits accumulated by an employee while employed by another state or local government agency in North Carolina may be transferred to the County upon verification in writing by the previous agency.

Section 17. Calculation of Annual Leave and Sick Leave

Annual leave and Sick leave earned by employees working in permanent positions for the county having a workweek of fewer than the basic workweek (40 hours) but greater than twenty (20) hours per week shall accumulate sick leave and vacation leave in accordance with the following formula:

1. The number of hours worked by such employees shall be divided by the number of hours in the basic workweek
2. The proportion obtained in Step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek
3. The number of hours in Step 2 divided by twelve shall be the number of hours of leave earned monthly by the employees concerned.

Employees in Permanent or Temporary positions working more than twenty (20) hours per week shall earn holiday pay as prescribed.

Section 18. Compensatory Time Policy

Employees subject to the Fair Standard Labor Act whom do not earn paid overtime are subject to Compensatory Time earned when the number of hours worked exceeds the normal workday or week (the regular workweek is defined as Sunday, 12:01 a.m. through Saturday, 11:59 p.m.). Compensatory time is granted when overtime is worked in lieu of payment. Employees that are subject to paid overtime or to specific types of shift work are not subject to this policy.

Compensatory Time (Comp Time) must be pre-approved by a supervisor or Department Head unless it is for direct service to a client or to the public, for which case it shall be reported to management as soon as possible.

Comp Time is earned based on the level of accumulation. The following is the rate of accumulation for Compensatory Time:

- An employee who works in excess of a standard 8 hour day but actual hours worked for the week is 40 hours or less, the comp time earned is equal to the overtime worked. An example would be an employee works a 9 hour day on one day but during the same week, there is a holiday, therefore the total hours worked for the week is less than 40, the employee would earn 1 hour of Comp Time (equal to the overtime worked).
- An employee who actually works in excess of 40 hours will earn Comp Time at a rate of one and a half times the actual hours worked over 40 hours. Therefore an employee who actually works 42 hours in a standard one week period will earn 3 hours of Comp Time (2 hours at times and a half).

Compensatory Time must be accurately recorded and documented. Failure to obtain pre-approval of overtime worked may result in a loss of any Compensatory time earned.

Compensatory Time shall always be taken, when earned, in lieu of Sick Leave or Vacation Leave. Employees shall utilize any Comp Time earned within a three (3) month period of the actual date of accumulation. No Compensatory Time shall be carried beyond a 9 month period.

Managers and Department Heads shall make every effort to minimize any and all overtime. Managers and Department Heads are responsible for the management and control of all overtime worked and shall have in place an accurate documentation method.

Employees that are required to work shift work or employees of the Sheriff's Office may be subject to different rules and should consult their department head for rules that govern their overtime provisions.

Section 19. Leave Without Pay- Policy

Leave Without Pay is defined as any period of time (not to exceed 3 months) an employee takes leave from work without pay but continues to be considered an employee of the county. Leave Without Pay (LWP) may be considered in limited situations. It must be requested in writing and receive Department Head and County Manager approval. For this policy, LWP is considered separate from The Family Medical Leave Act.

Leave Without Pay shall only be considered for certain special situations and when all other Leave time has been exhausted, including Family Medical Leave. The situations for which LWP may be considered are:

- a. Personal Disability- an employee who has suffered a personal disability but may be able to return to his/her capacity prior to the disability after treatment may request LWP after all other types of leave (sick, vacation, compensatory, FMLA) have been utilized.
- b. Special Work beneficial to County/Department- an employee who may engage in temporary work that is outside their job description but that will either benefit the county or the employee by providing experiences for training may request extended LWP up to 6 months. (this is separate from educational leave)
- c. Parental Leave- an employee who is dealing with an unusual circumstance regarding children or the adoption of children may be considered for LWP in addition to any other type of leave that may be covered by other policies (FMLA etc).
- d. To provide care for an immediate family member who is terminally ill or needs special and acute care as stipulated under Family Medical Leave Act.
- e. Emergency- an unusual situation deemed justified by both the Department Head and County Manager that is out of the employee's control may be eligible for LWP

To obtain LWP, the employee must submit a letter of request to the Department Head that explains the reasons for LWP, including the category above for which covers the

LWP, and the expected date of return. The department head then must review the situation with the County Manager. The employee may be required to come forth to the Department Head and County Manager and provide further explanation or justification.

All other types of Leave must first have been exhausted, including benefit leave and Family Medical Leave. LWP is considered a last resort and must provide resolution to the situation with an expected return to normal work capacity in a defined timeframe.

The County Manager has the right to deny any LWP request, even if it falls within covered categories, if he/she feels the LWP is not in the best interest of the county or the department and may create a hardship on the department.

If LWP is approved by the County Manager, the employee during that leave will not accrue any leave time under normal accumulation leave policy. The employee will also not receive county benefits, such as insurance or retirement contribution. The employee may elect to maintain insurance coverage at their own expense.

Section 20. Workmen's Compensation Leave

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

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

Section 21. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. If the compensation from the National Guard or Armed Forces Reserve does not equal the compensation from the County, the County will pay the difference upon submission of documentation of military compensation. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such duty is required beyond these ten workdays, the employee shall be eligible to take

accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Employees called to active duty may have the difference in military compensation and County compensation paid by the County for up to three months upon submission of documentation for military compensation.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

1. Applies for reinstatement within ninety days after the release from military service; and
2. Is able to perform the duties of the former position or similar position; or
3. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the County. In this case, the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 22. Civil Leave

A County employee called for jury duty, as a witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated annual or sick leave. An employee shall return and fee or payment received for performance of these duties to the County. Any travel allowances granted by the court may be kept by the employee. While on civil leave, all benefits and leave shall remain normal as if the employee was on regular duty.

Section 23. Educational Leave- Continuing Education Program

A County employee may be granted a leave of absence under Educational Leave to receive instruction or coursework that will better equip the employee to perform assigned duties. This coursework must be directly related to the employee's job description and have the full approval of the Department Head. The County will reimburse or cover any expenses related to this coursework, including fee/registration, travel, study material, lodging, and any other expenses.

An employee wishing to return to a secondary school to enhance their educational level may request a leave of absence with or without pay for up to three months, either consecutive or scattered, to complete the required coursework to receive a degree. Employees must submit a letter of request to the Department Head that clearly outlines

the time needed to secure the degree. The Department Head shall work in conjunction with the employee to develop an agreed upon plan to cover the work of the employee while on Educational Leave. Educational Leave that is not consecutive and allows the employee to meet his/her work obligation to the county will result in no loss of benefits to the employee. Educational Leave that involves more than 30 days of leave may result in a loss of benefits if the employee takes Leave Without Pay.

Educational Leave granted under this policy must be returned to the County in the form of service upon completion of the Leave. The employee agrees to not separate voluntarily until three times the time of the leave taken has been served (aka 3 months = 9 months of guaranteed return service). Employees that separate prior to this return of service shall be responsible for payment of any leave time taken for the benefit of Educational Leave under this policy.

Employees are encouraged to arrange for further educational needs outside of the expected work schedule of the position and to limit time away for this pursuit to no more than 3 months. If the education required internships or a practicum, the employee shall make all possible arrangements to conduct that within their normal work schedule. Educational Leave that is found to put a hardship or burden on the Work Unit may be denied.

The Department of Social Services has an exclusive Continuing Education Program Policy that applies only to those employees of Chowan County Social Services. That policy can be found in the Social Services Handbook and is to be referred to by any DSS employee requesting educational leave.

Section 24. Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) was passed by Congress in 1993 to provide as a federal benefit for employees. Any employee who has been employed in a permanent position for at least 12 months and who has worked more than 1040 hours is eligible for FMLA.

The complete FMLA policy is provided as Attachment A in the back of this Personnel Manual. Full rules can be found there regarding coverage, utilization, definitions, leave charges, certification, and benefits.

Below are some general rules that must be observed in the Family Medical Leave Act for Chowan County:

- a. Any type of leave that meets the definitions of FMLA must be designated as FMLA and counted towards the employee's benefit for the year. FMLA leave can be paid or unpaid leave, based on the employee's decision.
- b. It is the responsibility of the Department Head to administer the FMLA policy and designate the leave accordingly. Department Heads, by law, must inform an

employee if their leave time is considered FMLA and must receive appropriate documentation for this leave time

- c. The federal forms for medical certification must be used by all departments. The employee is responsible for having these forms completed in a timely manner.
- d. Any workman's comp leave that meets the reasons for leave under FMLA will be counted towards FMLA time for that employee.
- e. FMLA can be designated within 2 days of an employee's return if the Department Head is unaware that FMLA leave occurred.

These guiding principles, combined with the full policy attachment, is the complete FMLA policy for Chowan County.

Section 25: School Related Leave

Chowan County grants eight (8) hours of leave per year to employees so that a parent, guardian, or "in loco parentis" of a school aged child can attend activities at the child's school.

Such leave shall be used to attend school related functions of the employee's child, including :

- Parent-Teacher conference
- PTA functions
- School Activities, such as plays, meetings, fundraisers etc

For purpose of this policy, a school is defined as public/private schools, church schools, community college, college/university, pre-schools, and day care.

To utilize such leave, the employee shall:

- Submit a request, either verbal or written, at least 48 hours prior to the leave
- Designated Supervisor and or Department Head must approve leave prior to utilization
- Written verification may be requested by the Department Head to ensure no abuse of this policy is occurring

Employees that do not have school aged children or no children are also entitled to 8 hours of leave per year to work in community service that attend, sponsor, or participate in a program that assist children within the community. Such programs may include, but not limited to: big brother, boys/girls club, sponsored recreation activities (such as Recreation Department coaching or events), or other activities that promote the health, welfare, and development of children. Employees must obtain approval for such leave through their supervisor and must be able to provide documentation that the leave is for such activities so as to limit misuse of this benefit.

Section 26: Voluntary Shared Leave

Under special circumstances, employees who are in a permanent, full-time position with Chowan County may receive voluntary shared leave from fellow county employees.

A. Qualifying/Non-Qualifying Reasons for Shared Leave:

To receive this type of leave, the employee must have a grave and or serious health, medical, or catastrophic condition that requires the employee to be out for a minimum of 20 consecutive days, and/or the employee is required to be out 20 consecutive days for the care of an immediate family member (spouse, parent, child, brother/sister, grandparent, or dependent) with a grave or serious health condition. This health condition may not be self-inflicted (such as pregnancy). An exception to this rule may be if an employee has had previous absences for the same condition, that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months.

An employee on Workmen's Compensation leave who is drawing temporary total disability compensation may be eligible to participate, but would be limited to use with the supplemental leave schedule issued by Chowan County.

This type of leave will not be eligible for an employee receiving benefits from the Disability Income Plan of North Carolina.

This type of leave does not ordinarily apply to short-term or sporadic conditions or illnesses, such as chronic allergies, diseases, or short term medial/therapeutic treatments. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently.

B. Minimum Requirements of the Employee:

The employee must have had a minimum of 80 hours of Sick Leave prior to the absence to qualify for this program.

The employee must exhaust all available sick, vacation, or compensatory time before shared leave time can be utilized.

The employee must meet qualifying reasons stated in "A" of Section 25 under this policy.

C. Procurement of Voluntary Shared Leave:

An employee who meets the Qualifying and Minimum Requirements shall submit a request for shared leave in writing to the County Personnel Office or designee. The request must include a signed physician's certification describing the medical condition and estimated duration of the illness. After review, if determined to meet qualifications as

laid out in this policy, the County Manager can approve the request for Voluntary Shared Leave.

The employee must authorize the County to notify all County employees of the request for Shared Leave Time and the reasons for the request. The County will distribute forms to each employee. Voluntary Shared Leave is not mandated but a voluntary act of any donor. An employee may donate either vacation or sick leave. The following is the rate at which an employee can donate leave time per request:

- Vacation: An employee can donate a minimum of 4 hours of vacation leave and up to the maximum amount of what the donor's annual accrual rate is without reducing the donor's vacation leave balance below one-half of the annual vacation leave accrual rate
- Sick: An employee can donate a minimum of 4 hours Sick Leave and a maximum of 1040 hours, as long as the Sick Leave Balance of the donor does not go below 40 hours.

The maximum amount of Donated Shared Leave that can be obtained is 800 hours.

D. Utilization of Voluntary Shared Leave:

The employee must have exhausted all of their leave time during this event to utilized Shared Leave Time.

The employee will continue to earn Vacation/Sick Leave if the extended leave is classified as Family Medical Leave Act. During this time, any earned leave of the employee shall be utilized first before any Voluntary Shared Leave Time will be utilized. If the employee has exhausted FMLA for this situation, and the leave has extended beyond 3 months, resulting in a Leave Without Pay Situation, the employee will not earn any leave benefits, even if they are utilizing Voluntary Shared Leave. All other benefits will be subject to the stipulation of the Leave Without Pay Policy, resulting in loss of benefits stated within that policy.

If an employee utilizes all Voluntary Shared Leave time, but is still considered on approved leave for the condition, they may make a second request for Voluntary Shared Leave, under the same provisions as the first request.

Any unused leave at the expiration of the medical condition, as determined by the department and County Manager, shall meet the following conditions:

- The recipient employee's sick leave account balance shall not exceed a total of 40 hours
- Any additional unused donated leave shall be returned to the donor(s) on a prorate basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

If a recipient employee separates due to resignation, death, termination, or retirement from the county, participation in the program shall end immediately. Unused leave shall

be returned to the donor(s) on a prorated basis and credited to the same account from which it originally came.

E. Other Policies:

- Leave donated shall be kept confidential. Only individual employees may reveal their donation or receipt of leave
- Establishment of a leave “bank” for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis
- An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such actions shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct
- Any decision made under this policy is not seen as an adverse action and is therefore not an appealable action.

ARTICLE VII. DISCIPLINARY POLICIES, SEPARATION AND PERSONNEL ADMINISTRATION

The following policies deal with general personnel administration and rules for the County of Chowan. Policies include specific work rules, general employment rules, and disciplinary rules for the county, including various separation policies. Some policies may not be applicable to the Sheriff's Office or Register of Deeds (as so designated).

Section 1. Resignation

Any employee wishing to resign from employment of Chowan County should submit a letter of resignation with a minimum of two weeks. A letter of resignation is required and shall be submitted to both the immediate supervisor and the department head.

Upper management positions, such as Department Head or County Manager, should submit a letter of resignation with at least two weeks notice; however, when possible, a 30 day notice is preferred. Department Heads should submit a letter of resignation directly to the County Manager, with exception of the Social Service Director who shall submit a letter of resignation to the Board of Social Services.

Section 2. Voluntary Resignation without Notice

An employee voluntarily terminates employment with Chowan County by failing to come to work without giving written or verbal notice to the Department. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the department has taken reasonable efforts, such as calling the employee at the last known home telephone number, to assess if the employee intends to return to work.

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

Unused vacation leave (not to exceed 240 hours) will not be paid in a lump sum in the result of a resignation without proper notice (Article VII, Section1). Payment shall not be made for any unused sick leave. It shall be reinstated if the employee returns within five years or it may be applied toward retirement if eligible to retire within 5 years.

Section 3. Retirement

An employee may retire when the employee is eligible and applies for their retirement benefits. The employee shall give a minimum of two weeks notice of retirement, but should inform the department head as soon as the decision is made to retire, up to six months in advance. The Local Government Retirement Handbook lays out all rules, policies, and procedures for the retirement process, including eligibility.

Section 4. The Disciplinary Process

The County of Chowan adopts the Disciplinary process from the State Personnel Act for all its employees. Social Service employees are directly subject to all acts of the State Personnel Act, whereas other county employees are not subject to this act; however, the act provides the framework in for which all disciplinary guidelines will be administered.

The Sheriff's Office and Register of Deeds and their respective employees are not subject to this act or this policy because under North Carolina Law, the Sheriff and Register of Deeds have the right to discharge an employee at will without any due process. Therefore, these two departments are not subject to the steps in the Disciplinary Process.

The disciplinary process is a set of procedures that is utilized to address employee relation issues such as work performance or unacceptable conduct. It is intended to address work deficiencies through a series of steps, up to and including dismissal from the job.

Two specific areas are included in initiating the disciplinary process: 1. unsatisfactory job performance including gross inefficiency and or 2. unacceptable personal conduct.

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

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

1. **Written Warning-** an employee, who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance as directed, may receive a Written Warning. A disciplinary conference will be conducted with at least the Supervisor to inform the employee of the following:
 - Specific deficiencies that are the basis for the Written Warning
 - Specific improvements that must be made to correct the unsatisfactory performance
 - The time allowed to make said improvements
 - The consequences of failing to make said improvements

The Supervisor will also inform the employee that all points covered in the conference will be forwarded to them in a formal written warning.

2. **Final Written Warning-** failure of an employee to respond to a written

warning and or the development of further job performance related issues may result in a Final Written Warning. The supervisor should work with the department head and a final written warning can only be issued with department head approval. A Final Written Warning is the last step prior to dismissal. A Final Written Warning shall proceed as follows:

- A final written warning is prepared to the employee by both the Department Head and Supervisor in which specific reasons are included for the warning
- A disciplinary conference will be conducted with the employee; at this conference, the specific reasons for the action, the necessary improvements and the time allowed to make improvements should be discussed
- The Final Written Warning will then be presented to the employee in writing. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal

During the period after a final written warning, management may choose to counsel with the employee concerning his/her employment status before a decision is made to dismiss. Such counseling shall involve discussion of the necessity for the employee's commitment to improve performance. As a part of this counseling, management may request the employee take up to a day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the department. This time away shall not be charged to the employee's vacation or sick.

3. Dismissal- an employee of the county may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before dismissal shall occur, the following steps must be taken:

- The supervisor shall discuss with the department head the recommendations to dismiss for unsatisfactory job performance. Evidence must be shown that the employee is failing to perform any or all aspects of their job to an acceptable standard and show all previous attempts, including the disciplinary process, to work with the employee to improve job performance
- When a decision is made, a pre-dismissal conference shall be scheduled with the employee in writing. A pre-dismissal conference shall be conducted with the supervisor and the department head. The purpose of the pre-dismissal conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision. The management shall give specific reasons why dismissal is being considered and a summary of the information supporting that recommendation. The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or

arguments to support his/her position. Every effort shall be set forth to ensure that the employee has full opportunity to present information on their behalf. No attorney for either side will be allowed in a pre-dismissal conference.

- Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee for unsatisfactory job performance, a letter of dismissal shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any appeal rights set forth to the employee. The effective date for dismissal for unsatisfactory job performance shall be determined by management. A permanent employee may, at management discretion, be given up to two weeks working notice for his/her dismissal and or pay in lieu of working notice. The management also has the right to terminate employment immediately without pay.

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

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

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

C. Unacceptable Personal Conduct- an act that is:

- conduct for which no reasonable person should expect to receive prior warning; or
- job-related conduct which constitutes a violation of State or federal law; or
- conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State; or
- the willful violation of known or written work rules; or
- Conduct unbecoming a County employee that is detrimental to County service; or

- the abuse of client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility or of an animal owned by the State; or
- absence from work after all authorized leave credits and benefits have been exhausted; or
- falsification of a State application or in other employment documentation.

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

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

Prior to a dismissal of a permanent employee on the basis of personal conduct, there shall be a pre-dismissal conference between the employee and the person recommending dismissal and a second supervisory personnel.

D. Other Types of Disciplinary Action

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

Disciplinary Suspension:

- An employee may be suspended without pay for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or without prior warning or disciplinary action for any form of unacceptable personal conduct or grossly inefficient job performance.
- A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but may not be for more than two work weeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but may not be for more than two full work weeks.
- Before an employee is placed on disciplinary suspension without pay, a supervisor must:
 - Schedule and conduct a pre-disciplinary conference. The supervisor must give advance oral or written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
 - Give the employee a statement in writing telling the acts or failure to act that are the reason for the suspension and telling the employee of their appeal rights.

Investigatory Suspension:

- Investigatory suspension may be used with pay to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. Also, management may elect to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension with pay shall not exceed 45 calendar days. However, a department may, in the exercise of its discretions, extend the period of investigatory suspension without pay beyond the 45 day limit. The employee must be informed in writing of the extension, the length of the extension, the specific reasons for the extension and his/her right of appeal. If no action has been taken by management by the end of the 45 calendar days, an no extension has been made, one of the following must occur: reinstatement of the employee; appropriate disciplinary action based on the results of the investigation
- Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision of an employee's work status pending the resolution of a civil or criminal court matter involving the employee
- An employee who has been suspended for investigatory reasons may be reinstated with up to 3 days pay deducted from his/her salary. Such determination is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for the suspension. This period constitutes a disciplinary suspension without pay as noted above

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

For demotion based on job performance, an employee may be demoted for unsatisfactory job performance after the employee has received at least two prior warnings on his/her performance, one of which must be in writing.

For demotion regarding personal conduct, an employee may be demoted for unacceptable conduct without any prior warning. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee.

Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without a loss in pay. Or, the

employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. IN no event shall an employee's pay be lowered below step one of his/her current pay grade, unless the employee is demoted to a lower classification. Prior to the decision to demote an employee for disciplinary reasons, the department head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-dismissal conference.

Section 5: Separation due to Unavailability

An employee may be separated on the basis of unavailability for work when the employee becomes or remains unavailable for work after all applicable leave has been exhausted and management does not grant a leave without pay, or does not extend a leave without pay period for reasons deemed sufficient by the department and the county. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and not a disciplinary dismissal. It may be appealed based on the appeal rights granted to the employee in the position as defined in this Manual.

Definitions:

1. Unavailability- the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and or the employee and the department cannot reach agreement on a return to work arrangement that meets both the operation needs of the department and the employee's health/medical needs
2. Applicable Leave Credits- the sick/vacation/compensatory leave the employee chose to exhaust prior to going on leave without pay

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

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

Section 6. Reduction in Force

An employee may be reduced in force for reasons of shortage of funds or work, abolishment of a position, or other material changes in duties or organization. Unused vacation leave not to exceed 240 hours will be paid in full to the employee.

A specific Reduction in Force policy is found as an attachment to this manual. It is Attachment B found in the back of this manual.

Section 7. Death

Payment for unpaid salary, unused vacation leave (not to exceed 240 hours), and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence. Payment shall not be made for unused sick leave.

Section 8. Exit Conference

Upon voluntary separation of any Chowan County employee in a permanent position, the department head shall conduct an exit conference with the employee prior to separation. This conference should assess the following information:

- Reasons for leaving
- Feedback regarding work environment/conditions
- Feedback regarding job classification and duties
- Feedback regarding changes that may improve work and working conditions
- Feedback regarding supervision and management
- Recommendations of employee
- Strengths of the department

The exit conference should collect data and information to assist management in making decisions that may help improve overall work conditions and promote retention.

ARTICLE VIII. GRIEVANCE PROCEDURES AND FORMAL APPEAL POLICIES

Chowan County has established formal processes for which employees may grieve and or appeal both adverse actions and non-adverse actions. The process for which an employee will take depends on the situation and whether or not the employee is subject to the State Personnel Act.

Section 1. Definitions

- a. Adverse Action- A personnel action that involves one of the following situations: Reduction in Force; Suspension without Pay; Disciplinary Demotion; Dismissal; Fair Labor Standards Act; The Age Discrimination in Employment Act; The Family Medical Leave Act; The Americans with Disability Act; Equal Employment Opportunity Policy
- b. Non Adverse Actions- issues relating to working conditions, policies, and or practices not defined as adverse actions.

Section 2. Problem Resolution Policy

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

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

- Request a meeting with the Immediate Supervisor to present the issue of concern
- The supervisor shall schedule a meeting with the employee within 3 working days
- At the meeting, the supervisor shall review the issue with the employee and collect all relevant information and data concerning the situation
- The Supervisor should review the issues from the meeting and reach a conclusion regarding the issue. The supervisor should make recommendations regarding the issue in writing to the employee within 7 days of the meeting. The letter should contain a summary of the issues and recommended actions that can be taken to resolve the issue, or if no action is recommended, reasons why
- If the employee is unsatisfied with the Immediate supervisor's response. They may request a meeting with the Department Head.

- At this meeting, the employee shall again present the issue being grieved, reasons for the grievance, and recommended solutions from the employee.
- The Department Head shall review all matters regarding the issue and provide a written response to the employee within 7 days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the grievance procedures and the employee shall accept the Department Head's recommendations regarding the grievance

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

Section 3. Appeal of Adverse Actions For Employees **NOT subject to the State Personnel Act**

This section provides the appeals procedures for employees **not** subject to the State Personnel Act in regards to Adverse Actions taken against an employee. Employees of the Sheriff's Office and Register of Deeds are NOT covered by this policy (explanation follows end of policy).

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

There are three steps which an employee **not** subject to the State Personnel Act may take to have an appeal on an adverse action heard. They are as follows:

Step 1: The employee with an adverse action who seeks the first step in the appeal process shall request **IN WRITING** for an appeal. The request must be submitted to the Department Head and must be received within 30 days of the occurrence of the adverse action. The Department Head will then schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Department Head for consideration. The Department Head shall then render a decision in writing within 10 days to the employee.

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

County Manager. The County Manager shall then render a decision regarding the appeal in writing within 10 days to the employee.

Step 3: If the employee is not satisfied with the decision of the County Manager, the employee may request a third appeal to the Chowan County Commissioners Personnel Committee. The request shall be submitted within 30 days of the date of the decision notification letter from the County Manager. The request shall be in writing and directed to the Clerk of the Chowan County Commissioners. The Clerk will then schedule a formal appeals hearing with the Chowan County Commissioner Personnel Committee and notify the employee in writing of the date and time. The employee, at this hearing, will be able to provide evidence on their behalf to the County Commissioner's Committee regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the committee for consideration. The Commissioner Committee will render a decision regarding the appeal in writing within 10 days to the employee. This decision is the final decision and the last step in the Appeal process for county employees **not** subject to the State Personnel Act.

Key Points Regarding this Policy:

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

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

Section 4. Appeal of Adverse Actions for Employees Subject to State Personnel Act

Employees of the Department of Social Services are subject to the State Personnel Act and have appeal rights granted under the State Personnel Act. Employees subject to the State Personnel Act have specific procedures in which they must follow to formally appeal an adverse action.

A permanent employee who has been demoted, suspended without pay, reduced in force, discriminated against, dismissed, or had adverse actions related to The Fair Labor Standards Act, The Age Discrimination in Employment Act, The Family Medical Leave Act, or The Americans with Disabilities Act shall have 15 calendar days from the date of his/her receipt of written notice of such action to file an appeal through the appeals policy granted to employees subject to the State Personnel Act.

An employee who alleges discrimination may elect to follow the normal appeals policy granted to them via the State Personnel Act, or proceed directly to the State Personnel Commission for a hearing by the Office of Administrative Hearings and a decision by the State Personnel Commission. A direct appeal to the State Personnel Commission alleging discrimination must be filed in accordance with G.S. 150B-23 and must be filed within 30 calendar days of the receipt of notice of the alleged discriminatory act.

The Chowan County Social Services Appeals Policy is found as Attachment D in the back of this personnel manual. Any adverse action also requires with it a copy of the Appeals policy to be attached to the letter of notice.

ARTICLE IX. ALCOHOL AND DRUG FREE WORKPLACE POLICY

Chowan County Government is committed to providing an alcohol and drug free workplace for its employees and customers. This policy establishes rules and procedures to be followed so that Chowan County will remain alcohol and drug free.

Section 1. Definitions

Chowan County will require an employee to take a drug test/screening when: (a) a person is hired into a specific position that requires a initial drug screen, (b) when an employee is picked randomly for a drug test under the random drug testing procedures, and (c) when reasonable cause/suspicion is established.

Reasonable Cause/Suspicion- Reasonable Cause/Suspicion means an expressible belief on specific objective facts, and rational inferences drawn from those facts, than an employee has consumed or is under the influence of alcohol or drugs while at work. Circumstances which constitute a basis for determining “reasonable suspicion” may include, but are not limited to:

- Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.
- A report of alcohol or drug use by an employee while at work, provided by a reliable and credible source
- A pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to an accident at work or while conducting county business while under the influence of alcohol or drugs
- Evidence that an employee is involved in the unauthorized manufacture, solicitation, distribution, dispensation, possession, sale, or use of alcohol or drugs while working or while on the County’s premises or in possession of an or operating a county vehicle, machinery, or equipment
- Combative, abusive, violent, or disruptive behavior (verbal/physical)
- Erratic behavior/mood swings
- Relevant body or breath odors
- Focus of investigation, arrest, or conviction for drug related offense
- Evidence of substance abuse or drug test tampering
- A pattern of excessive absenteeism, tardiness, or deterioration in work performance in combination with an observable occurrence as described in any of the above

Section 2. Drug Testing

It is the policy of the county to conduct a drug test of an employee if Reasonable Suspicion is established as defined in Section 1. If Reasonable Suspicion is established, the following steps should occur:

Step 1: The Department Head or designee shall review the circumstances for the establishment of reasonable suspicion.

Step 2: In cases which involve possible manufacture, solicitation, distribution, dispensing, selling, or possession of controlled substances in the work place, the Department Head or designee should contact the local law enforcement agency immediately for assistance.

Step 3: Document the situation in writing as fully as possible, including submission of documentation from any witnesses or other personnel. Documentation should include specific times, dates, people involved, specific narratives of events, behaviors, and reactions or consequences.

If the Reasonable Suspicion involves the suspected utilization of alcohol or drugs, or the suspected influence of alcohol or drugs, the Department Head or agency management shall initiate a drug test. The following steps shall occur in this situation:

Step 1: The Department Head or designee shall inform the employee that reasonable suspicion exist that he/she has consumed alcohol or drugs or is under the influence of alcohol or drugs while in the workplace and that a drug test is required. The employee shall be provided the following:

- Basis for the Reasonable Suspicion and the requirement that the employee sign a test consent form
- The methods of testing which may be used
- Substances which may be identified
- Importance of cooperation with the collection site personnel
- Confidentiality of individual test results
- Consequences of refusing to sign consent form, failing to submit to immediate testing, failing to report for a specimen collection, or the results of a positive test

Step 2: Immediately after reviewing these issues, the employee shall sign a consent form and be advised of the location of the test.

Step 3: The Department Head or designee shall transport the employee to the test site immediately after the consent form is signed

Step 4: If the employee refuses to sign the consent form or undergo testing immediately as scheduled, the department head shall take appropriate disciplinary action

Step 5: If a non-positive test result occurs, the employee shall be notified immediately by the department head or designee. A decision regarding the investigation shall be made accordingly to the evidence of the case. An employee that is cleared by a negative drug test shall be reinstated if on investigatory suspension.

If the test is positive, the department head, within 5 days of receiving the results, shall inform the employee, in writing, of the results and the proposed action to be taken.

Disciplinary action, up to and including dismissal, shall be taken when an employee:

- Refuses to sign a consent form and participate in a required drug or alcohol test after being advised of the reasons for the request

- Intentionally tampers, or attempts to tamper, with drug or alcohol sample or testing process
- Produces a confirmed test result

Impaired behavior and or diminished performance on the job resulting from the use of alcohol or any controlled substance shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including dismissal.

Section 3. Mandatory Drug Testing of Certain Classifications

Chowan County will require any person hired into a paid part or full-time position that is determined to be responsible for the welfare and safety of the public to have a drug test prior to beginning employment. These positions include:

- All Employees of the Sheriff's Office
- All Employees of the Emergency Services Department
- All Employees of any Fire Protective Services
- All Social Worker Classifications in Social Services
- All Chowan County Maintenance Staff
- All Employees of the Chowan Recreation Department
- All Employees of Animal Control
- Any Operator of Heavy Duty Equipment
- Any other position deemed necessary and appropriate by the County Manager

Drug Screenings will be conducted prior to the beginning of employment and will be paid for by the County. A new hire into these designated classifications that fails the drug screening will not be allowed to begin employment with Chowan County and will lose their offer of employment from the County.

Section 4. Random Drug Testing Chowan County Employees

Chowan County will only conduct random drug testing for people in positions that require a CDL Driver's License for their work, in accordance with law and regulations.

All other drug testing will be in accordance with reasonable suspicion policy established in this article.

Section 5. Other Rules and Procedures

- a. The county will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials.
- b. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department head
- c. Substances that may be tested for under this policy include:
 - Marijuana
 - Cocaine metabolites
 - Opiates

- Phencyclidine (PCP)
 - Amphetamines/methamphetamines
 - Alcohol
 - Barbiturates
 - Methaqualine
- d. An employee who receives a positive drug test result may request that the same or split specimen be tested by another certified laboratory with the cost of such testing to be at the employee's expense
- e. All drug and alcohol testing will be done in accordance with proper testing procedures established by U.S. DHHS and will be done under a blanket contract with the county
- f. All test results will be maintained in a secure and confidential manner in the personnel file of the employee and will not be released without written consent of the employee unless they are required as a result of action initiated by or on behalf of the employee

ARTICLE X. WORKPLACE HARRASSMENT POLICY

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

Section 1. Policy

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

Section 2. Definitions

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

Section 3. Reporting and Investigation of Unlawful Workplace Harassment

Any full or part-time employee with either a permanent, probationary, trainee, or temporary appointment that believes he/she is the victim of Unlawful workplace harassment shall submit a written complaint to the department head within 30 calendar days of the alleged harassing action. The employee has the right to file a complaint simultaneously under Title VII with the Equal Employment Opportunity Commission (EEOC)

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

After the department's 60 calendar day response period has expired and the employee is not satisfied with the agency's response to the complaint, then he/she, if not subject to the State Personnel Act, may initiate the county appeals policy under adverse actions. Employees subject to the State Personnel Act may initiate the appeals process in accordance with the Appeals policy provided to them and or may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days.

Any employee or former employee not subject to the state personnel act with a grievance concerning a denial of employment, promotion, training, or transfer or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or handicapping conditions as denied by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may request an appeal under the county's appeal procedures for adverse actions. Employees in this situation subject to State Personnel Act may file an appeal under the Appeals policy or may file directly to the Office of Administrative Hearings and the State Personnel Commission.

Section 4. Unlawful Workplace Harassment Prevention Plan

It is the goal of Chowan County to provide ongoing training and education regarding Unlawful Workplace Harassment so as to prevent unlawful workplace harassment. Each Department should develop annual training plans and review with management the policies that govern unlawful workplace harassment at least on an annual basis.

Section 5. Discipline

A prompt impartial investigation will be made in all cases alleging harassment based on presented facts surrounding the misconduct. Each case will be reviewed based on the presented facts. All parties involved are entitled to a fair and impartial hearing. Interference, coercion, restraint, or reprisal against any person complaining of sexual harassment is prohibited. Disciplinary action will be administered within the policies of Chowan County and be relevant to the presented facts surrounding the case.

ARTICLE XI. TITLE IV: LIMITED ENGLISH PROFICIENCY

Chowan County recognizes that its citizens are diverse and multi-cultural. Therefore, the county adopts the following policy in relation to Title IV.

Title IV provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives Federal financial assistance. As part of the Title IV Act, an Executive Order was signed to increase and improve access of services receiving federal assistance for those with “Limited English Proficiency (LEP).” As part of this act, the County of Chowan will provide a comprehensive plan for serving those citizens with LEP.

Each department shall develop a written protocol on how they will effectively deal with citizens needing services that are considered LEP. Options available to departments include:

- Hiring bilingual staff
- Hiring staff interpreters
- Contracting for interpreter services
- Engaging community volunteers
- Contracting with a telephone interpreter service

Each department shall develop this protocol and make it available to all employees. The plan shall be updated annually to maintain effectiveness.

The Chowan County Department of Social Services is subject to compliance review of this plan due to receipt of federal funds. DSS shall have in place a more formal plan regarding Limited English Proficiency, as required by the Federal Government.

ARTICLE XII. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

Chowan County provides health, dental, and life insurance for all full time employees and permanent part-time employees working more than twenty (20) hours per week. The County is self-insured.

Employees may purchase additional coverage for family members at the current group rate.

Employees must work ONE FULL CALENDAR MONTH to be eligible for benefits. Employees who start work after the beginning of a month will not be eligible for coverage until the first day of the month following 30 days of employment.

Other group supplemental plans are also available for purchase through the county, such as cancer plans and accidental insurance. Employees should see the County Personnel Office for more information on available plans since their rates and availability change on a regular basis.

The County provides a \$10,000 term life insurance policy to employees. Coverage for other family members may be purchased at the available group rates.

Section 2. Health Insurance for Retired Employees of Chowan County

Employees who retire from Chowan County **may** be eligible for Health Insurance Benefits providing the following criteria have been met:

- The employee retires from Chowan County under Article VII, Section 3
- The employee has 20 years of creditable service to Chowan County and the last 5 creditable years prior to retirement have been with Chowan County
- The employee meets criteria for full retirement under the Local Government Retirement System

If the above conditions are met and approved, the county will provide the insurance at no cost to the retiree until their death. If at anytime the county requires a co-payment on premiums from employees of the county, the retiree that has this benefit under this policy will also be responsible for such co-payment as prescribed under the County Benefit Plan.

If the employee obtains other primary insurance coverage or Medicare after their retirement, the Chowan County insurance coverage will be considered a secondary policy.

Employees with 20 years of creditable service to Chowan County and who meet the criteria for full retirement that are separated by any other means other than retirement as described in Article VII, Section 3 of this manual **will not** be eligible for this benefit.

Types of separation that would make an employee ineligible for this benefit that otherwise meet all criteria include but are not limited to:

- Voluntary resignation
- Voluntary resignation without Notice
- Dismissal
- Reduction in Force
- Separation due to Unavailability for Work
- Death prior to Retirement

Section 3. Unemployment Insurance

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the NC General Assembly, local governments are covered by unemployment insurance effective January 1, 1978. County employees who are laid off or released from the County's service may apply for unemployment compensation through the local office of the Employment Security Commission who would determine the employee's eligibility for this benefit.

The County has the right to file an appeal of this decision if they disagree with its merits.

Section 4. Social Security Insurance

Chowan County, to the extent of its lawful authority and power, has extended Social Security benefits to its employees.

Section 5. Retirement Benefits

Chowan County provided retirement benefits for its employees through the NC Local Government Retirement program System. Each employee appointed to a permanent position who is required to work more than 1,000 hours per year shall be required to participate in this retirement plan. The County will make a contribution on behalf of the employee at the rate established by the plan, and the employee will contribute 6% of their annual income to the plan, deducted from each paycheck. The retirement program also provided a death benefit of one year's salary up to a maximum of \$20,000 for all County employees participating in the retirement program.

Law enforcement officers have additional retirement benefits deposited into individual accounts of the Supplemental Retirement Income plan in NC (401K plan). Effective in 1987, the County deposits a percentage of each officer's salary into an individual 401K account for that officer.

A private 401K plan is available to other County employees at the employee's option. There is no County contribution for these plans.

Section 6. Credit Union

All County employees are eligible to participate in the State Employee's Credit Union system. A local branch of the SECU is located on Virginia Road in Edenton.

ARTICLE XIII. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

For the purpose of personnel administration, the County shall maintain a personnel file on each employee, whether permanent, part-time, or temporary, and shall have all relevant documents relating to the employment of the person contained in this file. Personnel files are maintained in each respective department or in the County Manager's office. Personnel files should be locked at all times and have limited access as defined by this policy.

Personnel records shall contain all documents relative to the employment of a person in a position with the County. These documents include, but are not limited to:

- Application
- Performance appraisals
- Job Description
- Disciplinary actions
- Credentialing information
- Employment documents, including wage/salary information, benefit information, and any other document reflecting employment information
- Leave information, including sick, vacation, compensatory, and FMLA
- Employee Data

Section 2. Public Information/ Access to Personnel Records

Each department of the County shall maintain a record of each of its employees. From this record, the following information on any employee of the County is public and open to inspection by any party that makes a formal request:

- Name
- Age
- Date of original employment or appointment
- Current position/title
- Current salary
- Date and amount of most recent increase or decrease in salary
- Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
- Department or unit for which employee is currently assigned

Any person shall have access to the above information by submitting a letter of request to the Department Head which must present the basis and purpose for the need for the information. This information will be released upon receipt of a written request. The employee will be formally notified that such a release has been requested and granted, and the employee will be notified as to whom requested the information.

Any person who is denied access to any such record for the purpose of inspecting, examining or copying shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief.

Section 3. Confidential Information

All other information contained in a County personnel file, with exception to information listed in Section 2, is confidential and shall not be open for inspection and examination except to the following persons:

- The employee, former employee, or authorized agent (all file may be examined except letters of reference solicited prior to employment or information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient). An employee's medical record may be disclosed to a licensed physician designated in writing by the employee
- The supervisor of the employee
- The department head of the employee
- The County Manager or designated authority
- A party by authority of a proper court order may inspect and examine a particular confidential portion
- An official of an agency of the federal government, state government, or any political subdivisions thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected, or in the case of an applicant for employment or a former employee, by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for the purposes of assisting in a criminal prosecution, nor the purposes of assisting in a tax investigation

Section 4. Remedies of Employees Objecting to Material in File

An employee, former employee, or applicant for employment who objects to material in his/her file may place in his/her file a statement relating to the material he/she considers to be inaccurate or misleading.

An employee or former employee may seek the removal of the information for which they consider to be inaccurate or misleading through the appropriate appeals policy for adverse action or problem resolution policy as they apply.

Section 5. Penalties

Any employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's personnel file that violates written policy shall be subject to disciplinary action, up to and including dismissal, as well as criminal prosecution under the laws of North Carolina.

Any person who examines confidential material without full and legal authorization is subject to criminal prosecution under the laws of North Carolina.

ATTACHMENT A

Chowan County Family Medical Leave Act (FMLA) Policy

I. Introduction:

The Family Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the demands and needs of the family, especially in the time of a serious medical condition, birth of a child, care of a sick family member, or the adoption of a child. The FMLA provides specified leave time for covered employees to deal with a variety of health and family concerns. The FMLA is there as a benefit to employees and not to be abused or misused. The following rules govern the FMLA for Chowan County as prescribed by the Act itself.

II. Eligible/Covered Employees:

An employee who is employed in a permanent position for Chowan County and who has worked for at least 12 months in this position and who has worked more than 1040 hours during the previous 12 months prior to the leave is considered covered by the FMLA.

III. Reasons For Which Leave Can Be Taken:

There are four (4) major categories for which FMLA can be taken. If the reason for any leave time is due to one of these four categories, the leave must be credited to FMLA. The four major categories/reasons for FMLA leave are:

- 1. Birth of a Child:** the birth of a son or daughter of an employee in order to provide care for the child after the birth, provided the leave is taken within a 12-month period following the birth
- 2. Adoption or Foster Care:** provided for the placement of a son or daughter with the employee for adoption or foster care, provided the leave is taken within a 12 month period following the adoption and or placement of a foster child
- 3. Serious Health Condition of Employee:** If a serious health condition renders the employee unable to perform the functions of his/her job
- 4. Serious Health Condition of Employee's Family Member:** To care for a spouse, son, daughter, or parent who has a serious health condition

IV. Definitions in Reference to FMLA:

The following definitions are related to FMLA policies and rules:

1. Parent: a biological or adoptive parent or an individual who stood in loco parentis for the employee when a child
2. Child: a son or daughter who is under the age of 18 or is 18 years of age or older and incapable of self care because of a mental or physical disability who is: a biological child and/or an adopted child
3. Foster Child: a child for whom the employee performs the duties of a parent in the absence of biological parents. Substitute care arranged by a Social Service or adoptive agency. The employee's home should be a licensed foster home for this type of care
4. Step Child: a child of the employee's spouse from a former marriage
5. Legal Ward: a minor child placed in the home of the employee by a court official/judge in which the employee has full responsibility for care of child
6. Spouse: employee's current legal husband or wife
7. Serious Health Condition: an illness, injury, impairment, or physical/mental condition that involves :
 - inpatient care in a hospital, hospice, or residential medical facility, including any period of incapacity (defined to mean inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such impairment; or
 - continuing treatment by a health care provider
8. Continuing Treatment: continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious, that if not treated, would likely result in a period of incapacity of more than 3 calendar days; or for prenatal care. Continuing treatment by a health care provider usually involves one or more of the following:
 - a. a period of incapacity as defined above under inpatient care of more than 3 consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider, or a provider of health care services (e.g. physical therapist) under orders of, or on referral by a health care provider
 - Treatment on at least one occasion resulting in a regime of continuing treatment under the supervision of the health care provider (course of prescription medication, i.e. , antibiotic, or

therapy requiring special equipment to alleviate the health condition , i.e. oxygen)

b. any period of incapacity due to pregnancy or for prenatal care, even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than 3 days (prenatal exams, severe morning sickness)

c. any period of incapacity or treatment due to a “chronic serious health condition,” even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than 3 days, which is defined as one:

- requiring periodic visits or treatment by a health care provider, or by a nurse or physician’s assistant under the direct supervision of a health care provider,
- continuing over an extended period of time (including recurring episodes of a single underlying condition), and
- which may cause episodic rather than continuing periods or incapacity (e.g., asthma, diabetes, epilepsy, etc)

d. incapacity for a permanent or long-term condition for which treatment may not be effective (alzheimers, a severe stroke, or terminal stages of a disease)

e. multiple treatments for restorative surgery or incapacity for serious health conditions that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment (chemotherapy, radiation, dialysis etc)

f. Health Care Provider: A Doctor of Medicine or Osteopathy who is authorized to practice medicine or surgery in North Carolina and or; any other person determined by statute, credential or licensure to be capable of providing health care services which include:

- Podiatrists
- Dentists
- Clinical psychologists
- Optometrists
- Chiropractors
- Nurse Practitioners
- Nurse midwives
- Clinical Social Workers
- Christian Science practitioners listed with First Church of Christ, Scientists in Boston, MA (note the employee cannot object to an agency requirement for a 2nd or 3rd opinion in this case)
- Health care providers from whom state approved group and HMO health plans will accept certification of serious health condition to substantiate a claim for benefits
- Foreign health care provider in above stated areas who is authorized to practice in that country and who is performing within the scope of the laws

V. Leave Provisions:

Under the FMLA, covered employees are eligible for up to 12 weeks of FMLA leave for a one year period. The following are Leave Provisions provided for under FMLA adopted by Chowan County:

1. The 12 month period is defined by the first day FMLA leave is utilized, measured forward from that date.
2. The employee may elect to use paid leave time or unpaid leave time for any leave designated as FMLA; however, an employee that has accrued paid leave time must utilize this time first. The county cannot require an employee to use compensatory time for unpaid FMLA leave.
3. FMLA time taken over the course of a scheduled holiday is still considered to be FMLA leave and counts towards the 12 weeks.
4. All leave that fits the reasons for FMLA will be designated as FMLA and count against the 12 weeks of leave time. Any employee taking Workmen's Comp. Time that meets the definition of reasons for leave under FMLA will have their Workman Comp time counted towards FMLA
5. Any employee whose leave will exceed a 12 week period will be considered Leave Without Pay and will be covered under the provisions of the county's policy for Leave Without Pay.

VI. Intermittent Leave or Reduced Work Schedule:

An employee may take **leave intermittently** (a work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time, usually to accommodate some form of regularly scheduled medical treatment) or on a **reduced work schedule** (a work schedule involving less hours than an employee is regularly scheduled to work) with Department Head approval to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition.

If the leave is for child birth and birth related child care or for adoption/foster care, the department for which the employee works must agree to intermittent leave or reduced work schedule.

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

If leave is foreseeable, based on planned medical treatment, the department may require

the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

Only the time actually taken as leave may be counted toward the 12 week of leave to which the employee is entitled.

VII. Department Responsibilities:

- 1. Notification of FMLA Provisions:** Each County Department, in addition to posting FMLA provisions, shall include the FMLA provisions in the Chowan County Personnel Manual and any other departmental handbooks that may be available to employees.

In addition, each time an employee provides notice of the need for FMLA leave, the department shall provide the employee with WRITTEN notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations.

- 2. Notice of Eligibility:** It is the department's responsibility to determine than an employee is eligible for FMLA leave. If an employee notifies the department of the need for FMLA leave before the employee meets the eligibility criteria, the department is required to:
 - Confirm the employee's eligibility effective on the date leave is to start, or
 - Advise the employee when the requirement will be met.

This decision cannot be reversed. No additional notice of FMLA leave from the employee is required.

If the agency does not advise the employee whether the employee is eligible prior to the date the leave is to start, the employee will be deemed eligible. The Department may not, then, deny the leave.

If the employee does not give notice of need for leave more than two workdays before beginning leave, the employee will be deemed to be eligible unless notified of ineligibility within two workdays of the date the notice is received.

- 3. Designation of Leave As FMLA Leave:** It is the responsibility of the Department to:
 - Determine that leave requested is for a FMLA qualifying reason
 - Designate leave, whether paid or unpaid, as FMLA leave even when an employee would rather not use any of the FMLA entitlement.

The key in designating FMLA leave is the qualifying reason(s), not the Employees election or reluctance to use FMLA leave or to use all, or None of the accrued leave. The Department's designation must be based on information obtained from the employee or an employee's representative (e.g. spouse, parent, physician).

- 4. Designation of Paid Leave as FMLA Leave:** When an employee gives notice of the need for FMLA leave and the employee is using paid leave, the department shall designate whether it qualifies for FMLA leave before the leave starts. If the information is not sufficient to make the determination, the department shall require the employee to provide the information. All leave taken can be designated as FMLA leave; however, if sufficient information was available and the designation or notice was not given, the leave cannot be designated as FMLA leave retroactively.

When an employee is on paid leave but has not given notice of the need for FMLA leave, the agency shall, after a period of 10 workdays, request that the employee provide sufficient information to establish whether the leave is for a FMLA-qualifying reason. This does not preclude the agency from requesting the information sooner, or at any time an extension is requested.

If an absence which begins as other than FMLA leave later develops into an FMLA qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA leave.

Once the Department has knowledge that the leave is being taken for an FMLA required reason, the agency must, within two (2) business days absent extenuating circumstances, notify the employee that the leave is designated and will be counted as FMLA leave. **The notice may be oral or in writing, but must be confirmed in writing no later than the following payday.**

- 5. Designation of FMLA Leave After Return to Work:** The Department may not designate leave that has already been taken as FMLA leave after the employee returns to work, with two exceptions:
- If an employee is out for a reason that qualifies for FMLA leave and the department does not learn of the reason for the leave until the employee returns to work, the department may designate the leave as FMLA leave within two business days of the employee's return
 - If the department has provisionally designated the leave under FMLA leave and is awaiting receipt for the employee of documentation.

Similarly, The employee is not entitled to the protection of FMLA if the employee gives notice of the reason for the leave later than two days after returning to work.

VIII. Employee Responsibilities:

1. **Notice:** The employee shall give notice to the supervisor or department head of the intention to take leave under this policy. The employee must explain the reasons for the needed leave in order to allow the agency to determine that the leave qualifies under the Act.

If the reason for leave is for Birth/Adoption/Foster Care, the employee shall give the department 30 days notice, in writing. If the date of the birth or the adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable, which means within one or two business days of when the need for leave becomes known to the employee.

If the reason for leave is Planned Medical Treatment, the employee shall give 30 day's notice if practicable. It is mandatory that the employee consult with the supervisor/department head prior to the request for FMLA.

If the reason for leave is Medical Emergency, the employee shall not be required to give advance written notice.

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

2. **Certification:** The employee shall provide FMLA certification in accordance with the provisions listed below. If the employee does not provide medical certification, any leave taken is NOT FMLA leave:

Certification Requirements:

- a. **Adoption-** The department may require that a claim for leave because of adoption or foster care be supported by reasonable proof.
- b. **Medical Certification-** The department shall require that a claim for leave because of serious illness of the employee or of the employee's child/spouse/parent be supported by a certification from the health care provider (FMLA approved forms are to be used). The following rules apply to certification timeframes and submission:
 - When the leave is foreseeable and at least 30 days notice has been provided, the employee should provide the medical certification before the leave begins.
 - When it is not possible to provide the medical certification before the leave begins, the employee must provide the requested certification to the department within the time frame requested (which must allow at least 15 calendar days after the dept's request), unless it is not practicable under the circumstances.
 - At the time the department requests certification, the department must also advise the employee of the anticipated consequences of

an employee's failure to provide adequate certification. The department shall also provide the employee a reasonable opportunity to correct any incomplete information.

If an employee submits a complete certification signed by the health care provider, the department may not request additional information; however, a health care provider representing the department may contact the employee's health care provider, with employee's permission, for the purposes of clarification and authenticity of the certification.

The department that has reason to doubt the validity of a medical Certification may require the employee to obtain a second opinion with the following conditions:

- The agency bears the expenses, including reasonable out of pocket travel expenses
- The agency may not require the employee or family member to travel outside normal commuting distance except in very unusual circumstances
- Pending receipt of the second opinion, the employee is provisionally entitled to FMLA leave
- If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave
- The department is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the department or the county unless there are access issues in the county.

If the opinions of the employee's and the agency's designated health care provider differ, the agency may require the employee to obtain a certification from a third health care provider, at the department's expense. This third opinion shall be the final and binding. The third health care provider must be designated or approved jointly by the department and the employee.

The department is required to provide the employee, within two business days, with a copy of the second and third opinions, where applicable, upon request by the employee.

3. Recertification of Medical Conditions: The Department may request Recertification no more often than every 30 days unless:

- An extension is required
- Circumstances described by the previous certification have changed

- significantly
- The agency receives information that casts doubt upon the employee's stated reason for the absence

If the minimum duration specified on a certification is more than 30 days, the department may not request recertification until the minimum duration has passed unless one of the conditions above is met.

The employee must provide the requested recertification to the Department within the timeframe requested by the department (which must allow at least 15 calendar days after the department's Request), unless it is not practicable under the particular Circumstances.

Any recertification requested by the department shall be at the employee's expense unless the department provides otherwise. No second or third opinion on recertification may be required.

IX. Employment and Benefits Protection:

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 department may require the employee to report at reasonable intervals to the department on the employee's status and intention to return to work. The department may require that the employee provide certification that the employee is able to return to work.

Reinstatement is not required if an employee is reduced in force during the course of taking FMLA leave. The department has the burden of proving that the reduction would have occurred had the employee not been on FMLA leave.
2. **Benefits:** The employee shall be reinstated without Loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.
3. **Health Benefits:** The County shall maintain coverage for the employee under the 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. Any share of health plan premiums which an employee had paid prior to leave must continue to be paid during FMLA leave. The department must give advance written notice to employees of the terms for payment of premiums during FMLA leave. The obligation to maintain health insurance coverage stops if an employee's premium is more than 30 days late. The department shall provide 15 days notice that coverage will cease.

X. Rights Under FMLA:

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.

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

- Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy
- Gives or is about to give any information in connection with any inquiry or proceeding relating to any rights provided by this policy
- Testifies or is about to testify in any inquiry or proceeding relating to any right provided under this policy

Denial or leave requested pursuant to FMLA is an appealable issue and employees may appeal under the County's appeal procedures or appeal process for employees subject to State Personnel Act.

ATTACHMENT B

Reduction in Force Policy for Chowan County

Section 1. Policy

A County Department has the authority to separate an employee whenever necessary due to shortage of funds or work, abolishment of a position, or other material changes in duties or organization. This type of separation is called a Reduction in Force.

Retention of employees in classes affected shall be based on systematic consideration, at a minimum, of the following factors:

- Type of appointment
- Relative efficiency of the employee
- Actual or potential adverse impact on the diversity of the work force
- Length of service as a Chowan County employee in a permanent position

Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary period and been granted permanent status) must be separated in the same or related class.

In determining the length of service, an eligible veteran shall be accorded one year of county service for each year or fraction thereof of military service, up to a maximum of 5 years credit.

Section 2. Administration of Reduction in Force

In the case of reduced or elimination of funds or work, reorganization of work/department, consolidation or abolishment of functions or units, or any other reasons deemed appropriate may result in the abolishment of position(s) to require a reduction in force. Separation of employees through a reduction of force should not occur until management has exhausted every feasible alternative.

A reduction in force necessarily compels a thorough evaluation of the accomplishments of specific programs, the need for particular positions, and the relative value of specific employees so that the department can provide the highest level of service possible with a reduced work force. In consideration of a reduction of force, the department shall give the greatest weight of consideration to the relative skills, knowledge, and productivity of the employees identified in the layoff unit.

When a Department Head has determined that a Reduction in Force is necessary based on the condition noted above, he/she shall take the following steps:

1. Identify the Layoff Unit- This is the unit and position classifications that are targeted for separation due to the conditions established as for the needed Reduction in Force. A layoff unit may be the entire department, any division, or an organizational, geographic, or program sub-unit of the agency. The layoff unit may also be any one position or specialized staff within a unit or division of the department. The layoff unit NEED NOT coincide with the program, function, or activity that is the source of the need for a reduction in force so as to allow management to distribute staff resources according to service priorities of the agency.
2. Determine the number of positions which must be deleted to meet the established goal of the reduction in force
3. Assess and document the feasibility of the elimination of entire programs and or parts of programs
4. Identify the classifications of positions to be eliminated to determine whether personnel can be interchanged with other work units. Before separation, the Department Head shall give attention to using vacant positions to utilize for employees who would otherwise be separated in the Reduction of Force.
5. Assess further to ensure no other measures exist that would avoid the involuntary separation of employees.
6. Prepare a Written Reduction in Force Plan- this plan shall establish the reasons for the reduction in force, identify the layoff unit, identify the specific position number and employee subject to separation and the reasons why (with consideration given to needs of department to deliver services, relative skills/knowledge/productivity and value of employees, and length of service), the date of the reduction in force, and proposed impact to the department and services provided by this position, unit, and department as a whole.
7. The Department Head shall have the plan reviewed and approved by the County Manager (with the exception of the Social Service Director, who must receive approval from the Social Service Board).
8. The employee subject to separation due to reduction in force shall be notified in writing with a minimum of thirty (30) calendar days notice before actual separation. The letter shall outline the proposed date of the reduction in force, the reasons for the reduction in force, and a copy of any appeal rights granted to the employee under the Appeals Section.

Section 3. Appeal Rights

Any permanent employee of the county subject to a reduction in force shall have the right to appeal the separation under the adverse action appeal section for county employees.

Employees subject to the State Personnel Act have appeal rights granted to them by the State Personnel Act and must follow those policies for appeal.

Any employee separated under this policy shall be given a copy of their appeal rights at the time of notification. It is the employee's responsibility to properly follow those policies to request an appeal of the decision.

Section 4. Benefits

Any employee separated under this policy will be paid in a lump sum for any vacation leave earned, not to exceed 240 hours.

Any employee separated under this policy can have their sick leave reinstated if employed in any recognized county department within 5 years.

ATTACHMENT C

EQUAL EMPLOYMENT OPPORTUNITY POLICY

A. INTRODUCTION

Chowan County is an equal employment opportunity employer that seeks to hire the most qualified candidates for vacant positions without regard to race, religion, color, creed, national origin, sex, age, political affiliation, or handicapping condition. Chowan County will practice this equal employment policy in regards to:

- Recruitment and selection of new employees
- Selection of employees for promotion, training, career development, transfer, demotion for fiscal purposes, and/or reduction in force
- Administration of disciplinary policies or termination for cause
- Establishment of rates of pay including the awarding of salary adjustments and or annual salary increases

Chowan County realizes it is necessary to take certain steps to ensure this practice is carried out amongst all divisions and subunits of the County. In addition, steps shall be taken to keep all the public informed regarding County business and services. Such steps to be taken include but are not limited to:

1. Regular studies of the applicant pool and current workforce to ensure a cross section of the community is represented in the workplace for the County.
2. Make available needed training in multi-cultural issues and organizational practice to ensure equal representation at all levels of government.
3. To make good faith efforts to draw upon all segments of the County's population to ensure balanced representation in the workforce, committees of the County, boards/commissions of the County, and other areas involving County government and services.
4. To make good faith efforts to provide open government through acceptable means of communications so at the public is aware of pending actions of County government and has the opportunity, if desired, to respond and react to proposed actions and services.
5. To make available information on all programs and services provided by the County.
6. To maintain a positive, responsive attitude on the part of County employees to the complaints and suggestions of citizens by stressing positive public relations throughout all the county departments.

B. EMPLOYMENT PRACTICE

In an effort to maintain a highly qualified diverse staff, Chowan County will take steps to ensure the workforce is representative of the community. Chowan County will hire, promote, and transfer the most qualified applicant without regard to race, religion, color, creed, national origin, sex, age, political affiliation, or handicapping condition.

The County will follow the following practices at a minimum to ensure equal employment opportunities for the County:

1. Incorporate in policy the County's non-discrimination and equal employment opportunity policy
2. Train all hiring personnel on the efforts to hire the most qualified individual without regard to race, religion, color, creed, national origin, sex, age, political affiliation, or handicapping condition
3. All recruitment notices shall have the equal opportunity statement on the notice
4. Ensure that all vacancies have proper advertisement and that all persons have access to application for employment, including outreach to minority employees and population
5. Utilize tools available for the promotion, outreach, and opportunities afforded by the County for employment and advancement
6. Develop advancement opportunities for qualified County employees that promote job growth, knowledge, skills, and abilities
7. Conduct routine workforce studies to ensure compliance with this policy and make such information available to the public

C. SPECIAL PROVISIONS RELATIVE TO AGE

Equal employment opportunity as to age applies only to persons who are age 40 or over. State and Federal law forbid employment discrimination on the basis of age for these persons. It is unlawful "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment because of such individual's age."

D. SPECIAL PROVISIONS RELATIVE TO HANDICAP

Equal employment opportunity for persons with handicapping conditions includes the making of a reasonable accommodation to the known physical limitations of a qualified handicapped applicant or employee who would be able to perform the essential duties of the job if such accommodation is made. This may include: making facilities used by employees readily accessible to and usable by such person; job restructuring (reassigning non-essential duties and/or using part-time or modified work schedules); acquisition or modification of equipment or devices; provision of readers or interpreters; and/or other similar actions. Departments are required to make such adjustments for the known limitations of otherwise qualified handicapped applicants and employees, unless it can be demonstrated that a particular adjustment or alteration would impose undue hardship on the operation of the unit or department.

Whether an accommodation is reasonable must depend on the facts in each case. Factors to be considered in determining this include:

- The nature and cost of the accommodation needed

- The type of agency's operation, including the composition and structure of its workforce
- The overall size of the department or particular program involved, with respect to number of employees, number and type of facilities, and size of budget

E. SPECIAL PROVISIONS RELATIVE TO COMMUNICABLE AND INFECTIOUS DISEASES

Persons with communicable or infectious disease, including Acquired Immune Deficiency Syndrome (AIDS), are handicapped if the disease results in impairment which substantially limits one or more major life activities. All of the statutory provisions relative to persons with handicaps are applicable to persons with communicable and infectious diseases, including the requirement for a reasonable accommodation to the known limitations of an otherwise qualified applicant or employee.

It is not discriminatory action under NC law to fail to hire, transfer, or promote, or to discharge a handicapped person because the person has a communicable disease which would disqualify a non-handicapped person from similar employment. However, such action may be taken on that basis only when it has been determined necessary to prevent the spread of the communicable or infectious disease. There must be documentation of consultation with private physicians and/or public health officials in arriving at that determination. Concern for employees who may fear working with the infected co-worker must never be the basis for the action, in the absence of a medically documented health hazard to other persons.

It must be remembered that AIDS, unlike most communicable diseases, has been shown to be transmitted only by exchange of bodily fluids through sexual contact, sharing of needles and syringes, or transfusion of blood. According to the U.S. Department of Health and Human Services, no cases have been found where the AIDS virus has been transmitted by casual contact. There is no evidence that employing a person with AIDS would present a health hazard to other persons in the usual workplace.

F. BONA FIDE OCCUPATIONAL QUALIFICATIONS

Age, sex, or physical requirements may be considered if they constitute a bona fide occupational qualification necessary for the job performance in the normal operations of the department or unit. Whether such a requirement is a bona fide occupational qualification will depend on the facts in each case. This exemption will be construed very narrowly and the department will have the burden of proving the exemption is justified.

Physical fitness requirements based upon pre-employment physical examinations relating to minimum standards for employment may be a reasonable employment factor other than age or sex; provided, however, that such standards are reasonably necessary for the specific work to be performed and are uniformly and equally applied to all applicants for the particular job category, regardless of age or sex.

A differentiation based on a physical examination may be recognized as reasonable in certain job situations which necessitate stringent physical requirements due to inherent occupational factors such as the safety of the individual employee or of other persons in their charge, or in those occupations which by nature are particularly hazardous. Job classifications which require rapid reflexes or a high degree of speed, coordination, dexterity, and endurance would fall in this category.

To establish age, sex, or physical requirements as a bona fide occupational qualification, it will be necessary to submit a recommendation to the County Manager setting forth all facts and justification as to why the requirement should be considered as a reasonable employment factor in each of the classification in question.

G. APPEAL

Any employee may file a formal appeal under the appeals policy for their position if they feel any violation of this policy has occurred.

ATTACHMENT “D”
APPEALS POLICY FOR SOCIAL SERVICES

PURPOSE

This policy provides appeal procedures for permanent employees of Chowan DSS who have been separated due to a reduction in force, demoted, suspended, dismissed, or received a reduction in pay for disciplinary reasons or who believe they have been discriminated against because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability.

POLICY

No action involving demotion, suspension, or dismissal is to be taken against any employee for disciplinary reasons until such action has been recommended to and approved the Department Director, except when, in the judgment of the Supervisor, immediate suspension is necessary. In no case will an employee be dismissed without approval of the Director and without the furnishing of a statement, in writing, setting forth in numerical order the specific acts or omissions that are the reasons for the disciplinary action and the employee’s appeal rights.

PROCEDURE

The procedure will consist of the following steps:

Step 1 – Appeal to Director

In cases of involuntary separation due to a reduction-in-force, demotion, suspension, dismissal or discrimination, a permanent employee has the right to appeal to the Department Director. The appeal must be made in the form of a written request and must be received by the Director within 15 days after demotion, suspension, dismissal, or alleged discrimination. The request must include the action(s) being appealed, reasons the action(s) are perceived wrong, unfair, or offensive, and a proposed resolution or remedy. Upon receipt of the appeal. The Director will make arrangements for the employee to present his/her case, if the employee so desires. The Director will make a decision within five working days and a written copy of this decision will be furnished immediately to all parties concerned.

Step 2 – Appeal to the Personnel Advisory Committee

If the decision reached by the Director is not acceptable to the employee, he/she may request that his/her case be presented to the Chowan County Social Services Personnel Advisory Committee for its consideration. This Committee’s members will consist of one member of the Chowan County Department of Social Services Board and the supervisors of each unit

within Chowan County Department of Social Services, except for the employee's direct supervisor. Request should be made in writing and submitted through the Director no later than 15 days after receipt of the Director's decision. The Committee will be notified of the request and a hearing will be scheduled within 10 working days. Facts surrounding the case will be presented to the Committee and the employee may speak to them if he/she so desires. After reviewing the case, the Board will consult with whatever other sources it deems appropriate and render a recommendation to the Director within five working days after having heard the appeal. The Director will issue a final agency decision to the employee within 10 working days of receipt of the Board's advisory opinion.

Step 3 – Appeal to the State Personnel Commission

If the employee is not satisfied with the final agency decision or is unable to obtain a final agency decision within a reasonable length of time, he/she may file a written appeal to the State Personnel Commission not later than 30 days after receipt of the final agency decision. The grievance shall be informed in writing that an appeal to the State Personnel Commission may be made by filing such a request with the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, NC 27611-7447.

Section 1

- (a) Appeals involving a disciplinary action, alleged discrimination, and any other contested case arising under this chapter shall be conducted in the Office of Administrative Hearings as provided in Article 3 of Chapter 150B; provided that no grievance may be appealed unless the employee has complied with G.S. 126-34. The State Personnel Commission shall make a final decision in these cases as provided in G.S. 150B-36, except as provided in subsection. The State Personnel Commission is hereby authorized to reinstate any employee to the position from which he has been removed, to order the employment, promotion, transfer, or salary adjustment of any individual to whom it has been wrongfully denied or to direct other suitable action to correct the abuse which may include the requirement of payment for any loss of salary which has resulted from the improperly discriminatory action of the appointing authority.
- (b) 1. In appeals involving local government employees subject to this chapter pursuant to F.S. 126-5 (a) (2), except in appeals in which discrimination prohibited by Article 6 of this Chapter is found or in any case where a binding decision is required by applicable federal standards, the decision of the State Personnel Commission shall be advisory to the local appointing authority. The State personnel Commission shall comply with all requirements of G.S. 150B-44 in making an advisory decision.

The local appointing authority shall, within 90 days of receipt of the advisory decision of the State personnel Commission, issue a written, final decision either accepting, rejecting, or modifying the decision of the State personnel Commission.. If the local appointing authority rejects or modifies the advisory decision, the local appointing authority must state the specific reasons why it did not adopt the advisory decision. A copy of the final decision shall be served on each party personally to by certified mail, and on each party's attorney of record.

2. The final decision is subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes. Appeals in which it is found that discrimination prohibited by Article 6 of the Chapter has occurred or in any case where a binding decision is required by applicable federal standards shall be heard as all other appeals, except that the decision of the State Personnel Commission shall be final.

- (c) If the local appointing authority is other than a Board of County Commissioners, local appointing authority must give the county notice of the appeal taken pursuant to subsection (s) of this section. Notice must be given to the county Manager or the chairman of the Board of County Commissioners by certified mail within 15 days of the receipt of the notice of appeal. The county may intervene in the appeal within 30 days of receipt of the notice. If the action is appealed to superior court the county may intervene in the superior court proceeding even if it has not intervened in the administrative proceeding. The decision of the superior court shall be binding on the county even if the county does not intervene.

Section 2

- (a) A contested case shall be commenced by filing a petition with the Office of Administrative Hearings and, except as provided in Article 3A of this Chapter, shall be conducted by that Office. The party who files the petition shall serve a copy of the petition on all other parties and, if the dispute concerns a license, the person who holds the license. A party who files a petition shall file a certificate of service together with the petition. A petition shall be signed by a party or a representative of the party and, if filed by a party other than named as the respondent has deprived the petitioner of property, as ordered the petitioner has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:
- (1) Exceeded its authority or jurisdiction;
 - (2) Acted erroneously;
 - (3) Failed to use proper procedure;

- (4) Acted arbitrarily or capriciously; or
- (5) Failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay. Any person aggrieved may commence a contested case hereunder.

A local government employee, applicant for employment, or former employee to whom Chapter 126 of the General Statutes applies may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the same manner as other contested cases under this Article, except that the State Personnel Commission shall enter final decisions only in cases in which it is found that the employee, applicant, or former employee has been subjected to discrimination prohibited by Article 6 of Chapter 126 of the General Statutes or in any case where a binding decision is required by applicable federal standards. In these cases, the State Personnel Commission's decision shall be binding on the local appointing authority. In all other cases, the final decision shall be made by the applicable appointing authority.

ATTACHMENT E

CHOWAN COUNTY LAW ENFORCEMENT SEPARATION ALLOWANCE POLICY

In 1986, the General Assembly passed a law, Chapter 1019, 1985 Session Laws, that required local governments to provide a special separation benefit for qualified law enforcement officers. The separation allowance is a benefit paid to any qualified law enforcement officer who retires or leaves service early.

To be eligible to receive the separation allowance, an officer must meet all of the following qualifications:

1. The officer must have completed at least 30 years of “creditable service” OR have attained 55 years of age and completed five or more years of creditable service (creditable service is defined as that service for which credit is allowed under the retirement system, provided that at least 50 percent of that service time has been as a law enforcement officer);
2. The officer must not yet be 62; and
3. The officer must have completed five years of continuous service as a law enforcement officer immediately prior to departure from service.

The 30 years of creditable service does not have to be continuous; only the last five years. Also, if an officer could not complete the continuous service requirement because of disability retirement or disability salary benefits, the officer may still be eligible for the separation allowance if the officer returned to work within 45 days after disability benefits ceased. Also, the reasons for an officer’s leaving service does not affect the separation allowance. Even if an officer is dismissed for just cause, he/she is eligible for the benefit as long as the officer meets the three criteria noted above.

The separation allowance is calculated by the county on the last day of the month in which the officer leaves service. The following formula is used:

1. The annual equivalent of the officer’s most recent basic rate of compensation, exclusive of overtime, etc. will be determined.
2. Multiply this amount by 0.85% (.0085).
3. Multiply that amount by the number of creditable years of service the officer attained.

The resulting figure is the annual amount to be paid to the retired officer until he/she reaches age 62. The annual payment is divided into 12 monthly payments to be paid on the last day of each month. Income taxes and social security will be deducted.

The county must make the payment until the officer is age 62 unless one of the following conditions occurs:

1. The retired officer dies;
2. The retired officer is re-employed in a capacity requiring membership in the Local Government Employees' Retirement System.

The retired officer will be allowed to work for Chowan County with hours not to exceed 1000/year and with authorization from the County Manager.

Once the county has ceased payment of the separation allowance because the retired officer accepted employment that required membership in the Local Government Employees' Retirement System, the county does NOT resume the payment when the officer leaves service from the that agency. If the retired officer is re-employed by Chowan County, is required to participate in the Local Government Employees' Retirement System and subsequently leaves, Chowan County does not reinstate payments unless the officer has completed an additional five or more continuous years of creditable service as a law enforcement officer and otherwise meets all the criteria for eligibility outlined in GS 143-166.42

This special separation allowance shall be available as long as is required by NCGS 143-166.42.

ATTACHMENT F

Chowan County Return to Work Policy

I. Purpose:

Chowan County is committed to offering Transitional Work for our employees in the event that work related injury is sustained which temporarily prevents the employee from performing the essential functions of their job. Transitional Work is accommodation of parameters set forth by the treating physician will be officered in order to promote a smooth and timely transition from an injured state to a state of wellness and regained ability to perform the essential functions of their job.

II. Organizations Affected:

All county employees will be affected by this policy.

III. General Information:

The purpose of requiring modified or light duty work for an employee on Workers' Compensations is threefold:

1. It provides the employee with a sense of self-worth.
2. It motivates the employee to return to their regular position when medically possible.
3. It provides the County with some productive output from the employee.

IV. Policy:

- It shall be the policy of Chowan County to encourage and assist in the early return to work of employees that have been injured and temporarily disabled by an injury sustained due to the course of their employment. This policy shall be accomplished through the use of modified duty work, work hardening and other means as may be appropriate and recommended by the treating physician.

V. Responsibilities:

1. When an employee is injured on the job, it shall be the responsibility of the employee and employee's supervisor to ensure that the injury is reported to the Human

Resources Coordinator immediately. The injury should be documented as well with a Supervisor's Accident Investigation Report, Witness Form Report and Chohan County Accident and Injury Report Forms.

2. Upon initial treatment the employee will be given a release form by the designated medical provider stating that the employee may be a) returned to regular duty; b) returned to modified or light duty indicating specific limitations/restrictions; c) written out of work by the authorized treating physician.

3. The Human Resources Coordinator will notify the Department Head upon receipt of this information. If the authorizing treating physician approves modified duty, the Human Resources Coordinator and the Department Head will assess departmental needs and availability of modified duty.

VI. Definitions:

1. Modified or Light Duty Work - A work assignment where an injured employee is returned to his/her regular or other assigned duties with specific restrictions outlined by the treating physician. This duty may impose specific physical restrictions (i.e. lifting limited to a certain number of pounds, limited stooping, bending and standing, limited hours, etc.) and/or temporary transfer to another job.
2. Work Hardening- A medically approved return to work regiment that may include full or partial return to work, medical treatment, physical therapy and progressively more physical job duties.

VII. Procedure:

The Human Resources Coordinator will notify the employee of the following items prior to their beginning modified or light duty work:

1. Prior to the offer of modified or light duty, the employer will provide the treating physician with the employee's job description. The authorized treating physician will approve the appropriate modified or light duty assignment according to the employee's disability. If the employee declines "approved" duty, the Claims Adjuster of the Carrier will file an application (Form 24) with the Industrial Commission to have compensation terminated. Compensation will be paid until the Industrial Commission approves the form.
2. If the employee declines "approved" modified duty work, their signature must be obtained on a statement that modified or light duty work was offered to the employee, the date of the offer and that the employee voluntarily declined with the understanding that Workers' Compensation payments would be reduced as outlined above. In the event the employee must be contacted by letter, a certified letter will be mailed to the employee outlining the restricted

duty job requirements and an expected return to work date. If such date passes and the employee fails to return within two working days, it is assumed that such restricted work was declined.

3. While on modified or light duty work, the employee will continue to be subject to the County's policy and procedures. This includes reporting to work on time to his/her regular supervisor. The supervisor or the Human Resources Coordinator will then direct the employee where to report within the County each day.

If an on-the-job injury disables the employee from ever being able to perform the duties of his/her regular position hired, or if their absence or significant duty restrictions **last more than a year** and the employee cannot return to work, the employer may have the right/option to separate the employee due to unavailability for work, or if possible be given another assignment. The Human Resources Coordinator will record and notify the employee and the employee's supervisor of the elapsed time leading the employee's year if disability.

ATTACHMENT G

DISCLOSURE OF INFORMATION

Article V, Section 4

As employees of Chowan County, we are personally and professionally obligated to serve the public with honesty and integrity. Central to the standard of ethical conduct is the County's policy that no officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the discharge of the person's duties in the public interest. Any conflict between personal interests and official responsibility is to be resolved by consciously avoiding possible conflicts or disclosing the basis of a conflict or possible conflict.

The work of the County takes priority over other employment interest of employees. All outside employment must be reported and have authorization in accordance with the Chowan County Personnel Manual Article V, Section 4. The Department Head and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service. The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal. Department Heads and members of the County Manager's staff who wish to engage in outside employment must obtain written approval from the County Manager.

County employees must not:

- Be involved in outside business or financial activities which would constitute a conflict of interest or an appearance of a conflict of interest, or affect the impartial discharge of their duties, nor,
- Be employed by or have a financial interest in any business entity that is regulated by their department, nor may they pursue any other employment relationship which would impair their impartiality or independence of judgment, nor,
- Engage in outside employment during scheduled working hours, nor,
- Use the County's facilities, supplies, equipment, materials or on-duty County personnel for outside employment or business interest, nor,
- In accordance with G.S. 14-234.1*, use their access to County records or information, in every and any form, for their personal and/or financial gain

All employees, upon appointment and annually thereafter, will certify, in writing, to their understanding of the County’s policies related to conflict of interest and outside employment. The county will distribute a memorandum for certification annually. The signed certification must be returned to the Human Resources Department and will be made a permanent part of the employee’s official personnel file.

***G.S. 14-234.1**

(a) It is unlawful for any officer or employee of the State or an officer or an employee of any of its political subdivision, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information which was made known to him in his official capacity and which has not been made public, to commit any of the following acts:

- (1) Acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or official action; or
- (2) Intentionally aid another to do any of the above acts.

(b) Violation of this section is a Class 1 misdemeanor.

I certify that I have received a copy of and have read the County’s Policy regarding Disclosure of Information.

Signature (Employee)

Date

Print your name

_____ does not apply

Department

ATTACHMENT H
SUPPLEMENTAL EMPLOYMENT REQUEST FORM

Employee Name: _____

Department: _____ **Job Title:** _____

I request approval to engage in the following outside employment, interest or activity. In accordance with County Policy I authorize my Department Head and/or County Manager to determine if this proposed employment, interest or activity would create a conflict of interest or otherwise be incompatible with County service. I understand this request may not be approved if it is determined that there is a conflict of interest, perceived conflict of interest or incompatibility with my official duties and responsibilities. I further understand that assumption of this requested employment, interest or activity prior to approval may be deemed improper conduct which may subject me to disciplinary action, up to, and including dismissal.

Name of Employer/Activity/Interest: _____

Describe what you will be doing with this Employer/Activity /Interest: _____

Describe potential conflicts of interest, perceived conflicts of interest or incompatibility with my current position and this requested employment/activity/interest:

To be completed by Department Head and County Manager

Request: _____ **Approved** _____ **Not Approved**

Signature (Department Head)

Date

Signature (County Manager)

Date

Comments:

