

GREENE COUNTY POLICY

Subject: Personnel Policy	Policy Number: 1
	Effective: January 3, 2005
	Approved by: Board of Commissioners

ARTICLE I ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this policy is to establish a personnel system that will recruit, select, develop and maintain an effective and responsible work force for Greene County. This policy is established under the authority of Chapter 153A-Article 6 and Chapter 126 of the General Statutes of North Carolina.

Section 2. Limitations

This is not a contract of employment. Any individual may voluntarily leave upon proper notice and may be terminated by the employer at any time for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or current employee. The contents of this policy manual are subject to change at any time at the discretion of the Board of County Commissioners.

Section 3. Coverage

- A. Except as explicitly exempted, all employees in the County's service shall be subject to this policy.
- B. The following officials and employees are exempt:
 - 1. Elected officials;
 - 2. County Manager;
 - 3. County Attorney; and
 - 4. Members of advisory and special Boards and Commissioners, except as specifically designated.
- C. The following employees shall be covered only by the specifically designated Articles and Sections:
 - 1. Employees governed by the State Personnel Act shall be subject to Article I: Article II, Section 9; Article III; Article IV; Article V; Article VI; Article VII; Article X; Article XI; Article XII;
 - 2. Employees of the North Carolina Cooperative Extension Service shall be subject to this policy as set forth in Appendix C;
 - 3. The Supervisor of Elections shall be subject to Article II; Article III; Article VI; Article VII, Article VIII, Sections 5, 6, and 15;
 - 4. Temporary employees as designated by the Board of County Commissioners shall be subject to Article II; Article III; Article VI; Article VII, Article VIII, Sections 5, 6, and 15; and
 - 5. Employees of the Sheriff's Department and the Register of Deeds office shall be subject to Article II; Article III; Article IV, Section 8; Article V, Section 7; Article VI; Article VII, Section 5; Article VII, Section 5; Article X and Article XII. The Sheriff and Register of Deeds have the option of adopting this policy in part or entirety.

Section 4. Definitions

Except as against their plain meaning in context, these definitions apply through out this policy.

- A. **Adverse Action.** An involuntary demotion, involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff, or a dismissal.
- B. **Anniversary Date.** The employee's original date of employment with the County service in a permanent position.
- C. **Appointing Authority.** Any County board or official with the legal authority to make hiring decisions.
- D. **Class.** Positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work performed, and which carry the same salary range.
- E. **Classified Employee.** Any County employee occupying a position that is subject to the position classification plan.
- F. **Compensatory Time.** Time earned by a non-exempt employee for work in excess of the workweek.
- G. **Demotion.** The reassignment of an employee to a position or classification having a lower salary range than the position or the classification from which the reassignment is made.
- H. **Fair Labor Standards Act Overtime.** Time earned at a rate of time and one-half by a non-exempt employee for hours worked in excess of forty (40) hours in a workweek; or in the case of law enforcement, in excess of 171 hours in a 28 day cycle, or in the case of emergency response personnel, 212 hours in a 28 day cycle.
- I. **Fair Labor Standards Act Straight Time.** Time for time earned for a non-exempt employee for hours worked in excess of eight (8) hours in a workday but not in excess of forty (40) hours in a workweek.
- J. **Full-time Employee.** An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Board of County Commissioners as full-time.
- K. **General County Employee.** A County employee assigned to a program not subject to the State Personnel Act.
- L. **Hiring Rate.** The salary paid an employee when hired into County service, normally the first step of the salary range.
- M. **Immediate Family.** Spouse, parent, guardian, child, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- N. **Maximum Salary Rate.** The maximum salary authorized by the pay plan for an employee within an assigned salary grade.
- O. **Non-Classified Employee.** Any County employee occupying a position that is not subject to the position classification plan.
- P. **Part-time Employee.** An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Board of County Commissioners as full-time.
- Q. **Pay Plan.** A schedule of pay ranges arranged by sequential rates including minimum, intermediate, and maximum steps for each class assigned to a salary range.
- R. **Performance Evaluation Plan.** An annual review of an employee's performance, designed to facilitate fair and equitable merit pay decisions, recognizing performance as the basis for pay increases within the established pay range.
- S. **Regular Employee.** An employee who has completed six (6) months of satisfactory County service and has been approved for regular status by his or her Department Head (with approval, where applicable, of the County Manager).
- T. **Permanent Full-Time Position.** A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which are required to be performed on a continuous basis, normally requiring full-time employment of an individual.
- U. **Permanent Part-Time Position.** A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which can be performed in less than a regular work day and/or workweek.
- V. **Position.** A group of current duties and responsibilities requiring the full- or part-time employment of one person.
- W. **Position Classification Plan.** A plan approved by the Board of County Commissioners that assigns classes (positions) to the appropriate pay grade.

- X. **Probationary Employee.** A person appointed to a regular position who has served less than six (6) months in the position.
- Y. **Promotion.** The reassignment of an employee to an existing position or classification in the County service having a higher salary range than the position or the classification from which the reassignment is made.
- Z. **Reclassification.** The reassignment of an existing position from one class to another based on job content.
- AA. **Salary Grade.** All positions that are sufficiently comparable to warrant one range of salary pay rates.
- BB. **Salary Plan Revision.** The uniform raising or lowering of the salary ranges of every grade within the salary plan.
- CC. **Salary Range.** The minimum and maximum salary levels for a given classification for hiring purposes.
- DD. **Salary Range Revision.** The raising or lowering of the salary range for one or more specific classes of positions with the classification plan.
- EE. **Salary Schedule.** A listing by grade and step of all the approved maximum, intermediate, and minimum salary ranges authorized by the Board of County Commissioners for various position classifications of County government for hiring purposes.
- FF. **State Personnel Act (SPA) Employee.** <http://www.osp.state.nc.us/manuals/manual99/FMLA.doc> An employee of local social services department; or the public health department.
- GG. **Temporary Employee.** A person appointed to serve in a position for a definite duration not to exceed twelve (12) consecutive months.
- HH. **Temporary position.** A position for which the duties and responsibilities are required to be met for a specific short period of time, normally not to exceed twelve (12) months, and which may or may not require attendance by a person for a full work day and/or workweek.
- II. **Trainee.** An employee designated as such, appointed to a position in any class for which the County Manager or the Office of State Personnel has authorized “trainee” appointments due to unique specialized training required. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class, and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.
- JJ. **Transfer.** The reassignment of an employee from one position or department to another.
- KK. **Work Against Appointments.** When suitable qualified applicants are unavailable; the appointing authority may appoint an employee below the level of the regular classification in a work against situation. A work against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience.
- LL. **Standard Workweek.** Sunday through Saturday.

Section 5. Merit Principle

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

Section 6. Responsibility of Board of County Commissioners

The Board of County Commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when so required by law. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised, or repealed through the same procedure. As with new personnel policies, revisions in the personnel policy are also effective upon approval by the Board, unless otherwise designated.

Section 7. Responsibility of County Manager

The County Manager is responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend and remove all County officers and employees, except those elected by the people or employees whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with Chapter 153A-82 of the General Statutes of the State of North Carolina and Articles IV, VIII, IX, and X of this Personnel Policy.

The County Manager is responsible for making available for review an official copy, most recent updates and changes included, of the Personnel Policies and rules. The County Manager shall provide written procedures and forms necessary for the proper administration of policy set forth in this manual, and shall instruct staff in their appropriate use.

Additional duties of the County Manager include, but are not in any way limited to:

- A. recommending rules and revisions of the personnel system to the Board of County Commissioners for consideration;
- B. recommending revisions to the position classification plan to the Board of County Commissioners for approval;
- C. preparing and recommending revisions to the pay plan to the Board of County Commissioners for approval;
- D. establishing and maintaining a roster of all persons in the County service, setting forth each officer and employee, class title of position, salary, any changes in class title and status and such data as may be deemed desirable or useful;
- E. developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- F. developing and coordinating educational and training programs for County employees;
- G. investigating periodically the operation and effect of the personnel provisions of this policy and, at least annually report findings and recommendations to the Board of County Commissioners; and
- H. oversee compliance with applicable federal and state laws and regulations.

Section 8. Responsibility of Department Head

Each Department Head is responsible to the County Manager for the administration of the personnel program as provided for in this policy. All procedures set by the County Manager and forms supplied by the same must be followed and completed, with the Department Head held responsible. The Department Head is also responsible for such duties as set out in this personnel policy.

Additional duties of the Department Head include, but are in no way limited to:

- A. recommending rules and revisions of the personnel program to the County Manager;
- B. providing each employee in his/her department with access to an updated, current copy of the personnel policy;
- C. completion of all personnel forms required for enrollment in County service;
- D. submitting correctly completed, signed time sheets of all department employees;
- E. approving and submitting travel reimbursement and other invoices to be paid by the second or fourth Monday of each month;
- F. oversee compliance with applicable federal and state laws and regulations;
- G. recruiting and hiring competent individuals for positions within the department; and
- H. providing the County Manager with all necessary information regarding employees' performance and regarding general operations of the department.

Section 9. Responsibility of the Employee

Each employee will be informed in writing that a copy of the Personnel Policy is available on Greene County's website (www.co.greene.nc.us). Each employee shall sign a statement that they have been informed of the personnel policy's availability online. This signed statement of receipt will be placed in the employee's personnel file. Employees are responsible for familiarity with the contents of this manual, which provides guidance towards proper job behavior reflecting credit upon the employee as well as Greene County.

**ARTICLE II
CLASSIFICATION PLAN**

Section 1. General Statement

The position classification plan provides the basis for an equitable and logical pay plan, meaningful standards of recruitment and selection, budget maintenance, and improved organization.

Section 2. Allocation of Positions

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

Section 3. Administration

The County Manager is responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads are responsible for bringing to the attention of the County Manager:

- A. the need for new positions; and
- B. material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

Section 4. New Positions

New positions are established upon the recommendation of the County Manager with the approval of the Board of County Commissioners. The County Manager may:

- A. allocate the new position to the appropriate class within the existing classification plan; and
- B. recommend that the position classification plan be amended to establish a new class to which the new position will be allocated, if needed.

Section 5. Changes in Current Positions

When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall:

- A. direct that the existing job description be revised;
- B. reallocate the position to the appropriate class, with Board of Commissioner approval, within the existing classification plan; and
- C. recommend that the position classification plan be amended to establish a new class to which the position may be allocated.

Section 6. Amendment of Position Classification Plan

Classes of positions are added to and deleted from the position classification plan by the Board of County Commissioners based on the recommendation of the County Manager.

Section 7. Use of Class Titles

Class titles are to be used in all personnel, accounting, budget appropriation and financial records. No person will be appointed to or employed in a position in the classified service under a title not included in the classification plan.

Working titles may be used in the course of departmental routine to indicate authority, status in the organization or administrative rank.

Section 8. Use of Position Classification Plan

The classification plan is to be used:

- A. as a guide in recruiting and examining applicants for employment;
- B. in determining the lines of promotion and in developing employee training programs;
- C. in determining salary to be paid for various types of work;
- D. in determining personnel service items in departmental budgets; and
- E. in providing uniform job terminology understandable by all County officials and employees and by the general public.

Section 9. Approval for Creation of New Position

Prior to the establishment of any new position of service with the County, the County Manager must in writing verify the need for the position and the appropriation of monies to fund the position. This section applies to all positions paid for out of county funds.

**ARTICLE III
THE PAY PLAN**

Section 1. Pay Plan

The pay plan, as set forth in Appendix A and also referred to as "Grade and Step", includes the basic salary schedule and subsequent amendments thereto and a schedule of salary ranges consisting of minimum and maximum rates of pay and intermediate steps for all classes of positions included in the classification plan. The progressions referenced on the pay plan are in reference to the number of years in the current position.

Section 2. Administration

The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide:

- A. equitable compensation for all positions when considered in relation to each other;
- B. comparable rates of pay for similar employment in the private and public sector in the area; and
- C. changes relative to the cost of living, financial conditions of the County, and other objective factors.

To this end, the County Manager or designee shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and recommend to the Board of County Commissioners any necessary changes in the pay plan.

The pay plan will be administered in a fair and systematic manner in accordance with work performed. The pay structure must be externally competitive and maintain proper internal relationships among all positions based on relative duties and responsibilities. The classification plan must meet the requirements of the State Competitive System for local government employees while maintaining a County-wide plan.

Section 3. Starting Salary

- A. Employees will normally be hired at the minimum of their assigned salary grade.
- B. With the exception of State Personnel Act Departments, appointments below the minimum may be justified for new employees. The adjusted starting salary shall in no case be less than 5% below the minimum of the salary grade and will be adjusted to at least the minimum of the salary grade upon successful completion of the probationary period.
- C. Appointments above the minimum may be made with prior approval by the County Manager when deemed necessary in the best interest of the County. Factors considered in making such an exception include, but are not limited to, superior qualifications of the applicant; shortage of qualified applicants available at the minimum; refusal by recommended applicant to accept employment at the minimum; and salary equity with other County employees. The Board of Commissioners must approve any appointment above Step Four (4).

Section 4. Trainee Salary

An applicant hired, or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, must be appointed with the approval of the County Manager and at a pay rate below the minimum salary of the position pay grade. Employees subject to the State Personnel Act will be designated "Trainees" in accordance with rules and regulations established by the Office of State Personnel. All other County employees shall be designated "Trainees" based upon recommendations of the Department Head with the approval of the County Manager. An employee in trainee status will receive a reduced salary until the appointing Department Head and the County Manager determine that the trainee is qualified to assume the full responsibilities of the position.

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

Upon promotion, demotion, transfer or reclassification, the rate of pay for the new position is established in accordance with the following rules:

- A. When a promotion occurs, the employee's salary will be increased, by a minimum of five percent (5%), and may be adjusted based on experience and education of the employee as determined by the Department Head and County Manager.
- B. When a demotion occurs, and the employee's current salary falls above the maximum of the range for the lower class, the County Manager will adjust the employee's salary is adjusted to the maximum of the new class or to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range.
- C. An employee transferring from a position in one class to a position in another class assigned to the same pay range will continue to receive the same salary. When an employee is temporarily transferred from a position in one class to a position in another class, at a higher grade, he/she may be paid at the higher rate while in said temporary position.
- D. When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary is increased to the entry level of the new grade. If the employee's current salary is already above the entry level of the new salary grade, the employee's salary may be adjusted a maximum of five percent (5%), or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Section 6. Pay Rates in Salary Range Revisions

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

- A. When a class of positions is assigned to a higher pay range, employees in that class will receive a one step pay increase or an increase to the minimum step of the new range, whichever is higher.
- B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee will remain unchanged until such time as the position pay range increases above the employee's salary.

Section 7. Pay for Part-Time or Temporary Work

Compensation of any employee appointed for less than the standard work period established by the County shall be computed on an hourly basis in accordance with the salary schedule. Workers' Compensation and Social Security will cover all employees who work less than the standard work period established by the County. Other benefits are available as provided in Article X.

Section 8. Pay for Temporary Work

Compensation for any employee working for the County with a temporary appointment will be computed on an hourly basis in accordance with the salary schedule. Temporary employees will normally receive payment on the next regular payroll following the pay period during which the hours were actually worked. Temporary employees are not eligible to receive any type of paid leave. Temporary employees are considered non-exempt and are subject to the overtime policy outlined in Section 10 of this Article.

Section 9. Compensation for Work on a County Holiday - Departments not on a 24 hour Operational Basis

- A. All employees shall be required to work on holidays, weekends and other non-duty hours if instructed to do so by the Department Head.
- B. Employees who are required to work on a County holiday receive equal time off for actually worked on the holiday.

- C. Employees will not work on any of the designated holidays except when services are essential for operation. The Department Head must have acquired approval from the County Manager for an employee to work on a holiday.
- D. This policy also applies to temporary employees, with the exception that temporary employees do not receive equal time off for time worked on the holiday.

Section 10. Overtime

It is the policy of Greene County to abide by all applicable sections of the Fair Labor Standards Act and all its subsequent amendments, along with the Fair Labor Standards Amendments of 1985. This policy applies to all employees of Greene County who are covered under the provisions of the Fair Labor Standards Act. Its intention is to assure good faith compliance with such act to the extent applicable to Greene County.

A. Professional Scheduling - Exempt Employees

1. Certain employees are exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees include elected officials and executive, administrative, and professional employees as designated by the County Manager or designee. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved. A list of exempt employees is available at the County Manager's Office.
2. Exempt employees are expected to work whatever numbers of hours are required in order to accomplish their duties rather than being paid for the number of hours worked in a workweek.
3. Professional Scheduling is defined as the responsibility of controlling one's schedule to best meet the needs of the organization while achieving a balance in professional and personal time that is healthy for the organization and the individual.
4. Exempt Greene County employees are to meet their work objectives and, as professionals, are entrusted with the flexibility of balancing their work schedules.
5. Exempt positions, unless designated at the time of hiring, are not defined or limited with a specified number of work hours per day or week. As such, an exempt employee's responsibilities typically take more than 40 hours per week and often at non-routine office hours.
6. Professional scheduling is not designed to compensate for overtime hours or days worked, since professionals do not have defined work hours.
7. Professional scheduling is a privilege that can be revoked by the County Manager, if abused.
8. Professional scheduling is not an issue tied to performance appraisal unless abuse results in unsatisfactory or poor program performance or improper personal conduct.
9. The County of Greene expects exempt employee will do what must be done to enable successful job outcomes while practicing professional scheduling. In order to ensure that professional scheduling is implemented equitably through the County of Greene, the following points should serve as a guide:
 - a) Exempt employees are accountable for fulfilling their job responsibilities and commitment and for maintain their professional calendars.
 - b) Professional scheduling should be taken at the mutual convenience of the organization and the individual. Professional scheduling is the responsibility of the employee with advanced dialogue from the immediate supervisor. If the professional scheduling designated by the employee would negatively affect the departments programs or functions, the supervisor can deny that period for professional scheduling. If an employee still wants to take time off, annual leave must be used.
 - c) Professional scheduling normally refers to periods of a few hours to half day. Requests for longer periods of professional scheduling are permissible if based on extenuating circumstances and if approved by the immediate supervisor.

B. Overtime—Non-Exempt Employees

1. NON-LAW ENFORCEMENT EMPLOYEES

- a) Full-time and part-time employees who have been classified as “non-exempt” from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy. Overtime is paid or compensatory time off is given to non-exempt employees for hours worked in excess of 40 hours actually worked per workweek. The Board of Commissioners defines workweeks.
- b) All overtime hours worked by any non-exempt employee must be approved in advance by the employee’s Department Head. Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work which has not been requested by management but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered and treated as overtime hours when in excess of 40 hours actually worked in the workweek although the work had not been specifically authorized. Any employee who works overtime after the Department Head has denied authorization to work overtime is subject to formal disciplinary action for inappropriate conduct.
- c) Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions. Department Heads are responsible for ensuring that all time worked above the regular workweek is necessary and time actually spent on the job.
- a) When overtime is paid or compensatory time off given, it is at the rate of 1-1/2 times the employee’s regular hourly equivalent salaried rate for those hours actually worked in excess of 40 in one week (vacation, holidays and sick time taken do not count as hours actually worked). The employee’s regular hourly equivalent salaried rate is calculated by dividing the annual full time salary by 2080.
- b) It is the policy of Greene County to give compensatory time off rather than paid overtime. The compensatory time off should be taken within three months of the date earned. The Board of Commissioners may authorize the payment of funds for overtime incurred by exempt and non-exempt employees upon the declaration of a State of Emergency in Greene County; if the Board is of the opinion that by using compensatory time after the State of Emergency, the County’s business would not be properly conducted.

If the above provision shall conflict with any other provision of the Greene County Personnel Policy, the question shall be resolved in conformity with the intent of the above provision.

2. LAW ENFORCEMENT EMPLOYEES

Full-time and part-time employees who have been classified as “non-exempt” from the overtime provisions of the Fair Labor Standards Act due to Law Enforcement Status must be paid for overtime hours worked or given compensatory time off. Overtime is paid or compensatory time off is given to non-exempt law enforcement employees for hours worked in excess of 171 hours in a 28 day work period. The procedure for compensation is the same as listed above for Non-Law Enforcement Personnel.

C. EMERGENCY MEDICAL SERVICES (EMS) EMPLOYEES

EMS employees work a flexible shift of 24 hours on duty and 24 hours off duty for a period of three (3) days. At the end of the third shift, EMS workers receive a four (4) day break. The procedure for compensation is base salary plus flex pay for hours exceeding 40 hours per work week.

- C. The contents of this policy are established to govern operations during normal times. Upon the declaration of a State of Emergency in Greene County pursuant to County Ordinance, Gubernatorial or Presidential Declaration, subsection D would apply for the length of the declaration period.
- D. State of Emergency

In the event of a significant natural disaster requiring or triggering the declaration of a State of Emergency in Greene County, and lasting for the duration of the state of emergency, all employees assigned primary and emergency support function duties shall be compensated as otherwise authorized in this policy at their respective pay rates, but shall be compensated monetarily, and not in compensatory time, for those hours that were actually worked in excess of the standard work period. Exempt employees are included to receive monetary compensation during the declared period. In computing the time worked in the event of the state of emergency, only time actually worked over the standard work period for the employee is to be computed as overtime hours. Overtime rates would be computed as time and one half the employee's regular pay rate.

Section 11 Adjustment to Pay

If an employee works less than the full pay period and has inadequate leave to cover the period for which the employee is absent from work, the employee's monthly pay check will be adjusted accordingly. It is the responsibility of each Department Head to notify the County Manager's Office and Finance Office of such payroll adjustments.

Section 12 Progression in the Pay Grade

Regular employees who are enrolled in the retirement program, whose performance is satisfactory, and whose salaries are below the maximum of the assigned salary range will receive an increase in annual salary according to the policy set forth in Appendix B. For this purpose, satisfactory performance is defined as: The employee is not currently involved in any type of disciplinary action involving a written warning. Employees who are ineligible for the increase due to unsatisfactory performance will be reconsidered for the salary adjustment on their next anniversary date within the schedule set forth in Appendix B. This progression does not apply to elected officials.

Section 13. Payroll Deductions

Federal and state income taxes, Social Security tax, withholding for court-ordered child support payments (upon receipt of appropriate notices to withhold or by other order of a court of competent jurisdiction), any other deductions required by law, and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. State Credit Union deductions and insurance coverage requested by the employee and not paid by the County may also be deducted upon written request of the employee. Because these deductions are calculated on the basis of information provided by the employee, it is mandatory that employees keep the County informed of their personal status for withholding purposes. The Board of Commissioners must approve any other payroll deduction.

Section 14. Payroll Procedure

All employees are paid monthly.

Section 15. Effective Date of Salary Adjustments

Salary adjustments become effective in the next pay period.

**ARTICLE IV
RECRUITMENT AND EMPLOYMENT**

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of Greene County to maintain a systematic, consistent recruitment program, to promote equal employment opportunities, and to identify and attract the most qualified applicants for employment with the County. This policy is to be achieved by announcing all regular position vacancies and evaluating all applicants on the same criteria. Selection decisions are made without regard to race, color, religion, sex, national origin, political affiliation, nondisqualifying disability, or age.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment shall implement this personnel policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters must be posted in conspicuous places on County premises in places where notices are customarily posted.

Section 3. Recruitment

The County Manager or designee is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts must be coordinated in a timely manner.

Section 4. Job Announcements

Employment advertisements must contain assurances of equal employment opportunity and comply with all federal and state statutes regarding discrimination in employment matters. Departments under the State Personnel Act shall list employment advertisements for positions to be filled outside the agency with the Employment Security Commission, in accordance with the State Personnel Act, as it is amended from time to time.

Section 5. Applications for Employment

- A. The County will only accept applications for open positions.
- B. All persons expressing interest in employment with the County with respect to an open position must be given the opportunity to file a standard application for employment. Such application can be obtained from the County Manager's Office. Current County employees must complete an application to be considered for any position in which they have expressed interest.
- C. The filing period for any open position will close at 5:00 p.m. on the closing day. Applications post marked as of the closing day will be accepted.
- D. For record keeping purposes only, all applications will be kept on file, in inactive status, for a period of two (2) years. At the end of this two (2) year period, the application will be destroyed.
- E. Any unsolicited applications will be returned to sender. If the sender cannot be located, the application will be destroyed.
- F. The County's standard position application form will be the State of North Carolina's PD-107 application.

Section 6. Qualification Standards

This section does not apply to State Personnel Act employees.

- A. Employees must meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude, ability to meet the public and

physical condition as may be established by Greene County with the advice and recommendations of the Department Heads and the County Manager.

- B. The County may employ an applicant that does not meet all minimum qualifications for a particular job in a trainee capacity if the deficiencies can be eliminated through orientation and on-the-job training.
- C. All appointments must be made on the basis of merit and without regard to race, color, religion, sex, national origin, political affiliation, nondisqualifying handicap, or age.

Section 7. Selection

- A. Department Heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for positions in the service of the County.
- B. **Interviewing:** If available, a minimum of three (3) qualified applicants should be interviewed for each position vacancy. Each candidate must be treated equally and it is strongly recommended that a structured set of questions be asked of each candidate. If less than three (3) individuals are interviewed, supporting documentation must accompany the selection and appointment documents.
- C. **Reference Checking:** Personal and professional references should be checked either before or after the interview process. Reference checking is an effective method to verify the applicant's employment history, work habits, interpersonal skills, etc. and may be conducted either in person, over the telephone, or by mailed inquiry. Reference sources and information received is strictly confidential. Employment may be made conditional upon a clean criminal records check, at the discretion of the employing agency.
- D. State Personnel Act Departments (i.e. Department of Social Services, Health Department, and Emergency Management Office) must transmit required information on applicant selection to the Regional Office of State Personnel in accordance with the established written policies and procedural guidelines promulgated by the Office of State Personnel.

Section 8. Appointments

- A. Prior to the offer of employment, the County Manager must approve a Notice of Intended Appointment. This applies to State Personnel Act positions, Sheriff and Register of Deeds only in the instance of an offer of salary higher than the first step in the pay grade.
- B. All employment offers should be confirmed in writing before work is actually begun. Prior to extending any employment offer, the County Manager may require a meeting with the Department Head to discuss the appointment.
- C. The personnel action form, the original application for employment, a copy of the employment letter, and any additional supporting documents pertaining to the selected candidate should be submitted to the County Manager's office prior to the beginning date of employment. These documents will become part of the new employee's personnel file. Additionally all necessary payroll forms must be completed and returned to the Finance Department before the beginning date of employment.
- D. If the duties of the position include operation of County-owned or County insured vehicles, the Department Head will, before issuing an offer of employment, conduct a review of the driving record of the person to be hired, which record will become part of the personnel file.
- E. No two members of an immediate family can be employed within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations. (note: special provisions apply to elected officials, i.e. the sheriff and register of deeds as stated below.)
- F. The sheriff, register of deeds, director of social services and public health director have authority over appointments in their respective departments.
- G. The Board of County Commissioners must approve appointments by the sheriff or register of deeds of a relative by blood, marriage or nearer kinship than first cousin of the elected official, or of a person who has been convicted of a crime involving moral turpitude.

- H. All County employees shall be notified that County policies and procedures are posted on the County's website (www.co.greene.nc.us).

Section 9. Probationary Period of Employment

- A. An employee appointed initially or promoted to a full-time, regular position will serve a probationary period of six (6) months. An employee may be dismissed without appeal rights under this policy during any probationary period following initial appointment at any time the Department Head (or in the case of Department Heads, the County Manager) determines the employee is not satisfactorily performing his assigned duties.
- B. The initial probationary period may be extended up to three (3) months. No employee shall remain on probation for more than nine (9) months, without approval of the Board of County Commissioners.
- C. Before an employee's completion of the probationary period, the Department Head will indicate in writing to the County Manager:
 - 1. that he has discussed the employee's progress (accomplishments, strengths and weaknesses with the employee);
 - 2. whether the employee is performing satisfactory work;
 - 3. whether the probationary period should be extended; and
 - 4. whether the employee should be retained in his present position or should be released, transferred or demoted.
- D. The County Manager will evaluate the Department Heads, except those elected by the people or Department Heads whose appointment is not made by the County Manager, but otherwise provided by law, before completion of their probationary periods and make appropriate recommendations to the Board of County Commissioners.
- E. If retained, the employee will be considered a regular employee.

Section 10. Promotion

- A. Candidates for promotion must be chosen on the basis of their qualifications and their work records - without regard to age, sex, race, color, creed, religion, political affiliation, national origin or physical handicap. Performance appraisals and work records for all personnel meeting minimum qualifications for the position must be carefully examined when openings for positions in higher classifications occur, if a present County employee applies for the position.
- B. If a current County employee is chosen for promotion, the Department Head shall forward the employee's name to the County Manager with recommendations for classification and salary and reasons for selecting the employee over other applicants. After considering the Department Head's comments, the County Manager shall make the appointment and determine the classification and starting salary.
- C. In the Sheriff's Department, Register of Deeds' Office, Health Department and Department of Social Services, the respective Department Head will forward the employee's name to the County Manager with recommendations for classification and salary.

Section 11. Demotion

This section does not apply to State Personnel Act employees.

- A. Any employee whose work in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion must be preceded by the warning procedures outlined in Article VIII, and is subject to approval by the County Manager, except in the Sheriff's Department and Register of Deed's Office where the Department Head has the final authority.
- B. Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VIII, Section 8.

- C. If the demotion is for failure in performance of duties or failure in personal conduct, the employee must be provided with written notice by the Department Head citing the recommended effective date and reasons for demotion and appeal rights available to the employee in Article IX. In the case of Department Heads, the notice will come from the County Manager.
- D. An employee who wishes to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.
- E. A voluntary demotion is not a disciplinary action and is made without using the procedures in Article VIII of this policy.

Section 12. Transfer of Employees Between County Departments

- A. An employee has the right to appeal an involuntary transfer from one department to another.
- B. Upon transfer, the employee serves a second probationary period, as new duties and responsibilities must be learned.

**ARTICLE V
CONDITIONS OF EMPLOYMENT**

Section 1. Standard Work Period

County employees will work a standard work period, as deemed necessary to meet operational needs, determined by the Department Head, County Manager, and Board of County Commissioners. Agencies or departments will either operate on a work period of 40 hours per seven (7) days or on a work cycle of 171 hours over a 28 day work period (Law Enforcement only). EMS employees work a flexible shift of 24 hours on duty and 24 hours off duty for a period of three (3) days. At the end of the third shift, EMS workers receive a four (4) day break. The procedure for compensation is base salary plus flex pay for hours exceeding 40 hours per work week. Employees will be advised of their work schedule by their Department Head or immediate supervisor. Any deviation from the assigned work schedule must be approved by the employee's supervisor or Department Head. Only the Board of County Commissioners, upon approval and recommendation of the County Manager, may authorize changes in the standard work period, including operational hours. Employees must work other than regular schedules when requested by Department Heads, even if it involves overtime.

Section 2. Gifts and Favors

- A. All County officials and employees of agencies of the County or departments must refuse gratuities in the form of money.
- B. No official or employee of the County may accept any gift, whether tangible or intangible, from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in dealings with the County.
- C. No official or employee may accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.
- D. No official or employee may grant in the discharge of duties any improper favor, service or thing of value.

Section 3. Dress Code

All County employees must dress in the most professional manner appropriate to the activities of their position. Department Heads and the County Manager are responsible for determining and enforcing the dress code in each department.

Section 4. Residency Requirements for Department Heads

Personnel employed as department or agency heads will be required to establish and maintain residence in Greene County during their tenure of employment in such positions.

- A. Non-County residents recruited and employed as a department or agency head, will be required as a condition of employment to reside in Greene County during their tenure of employment as a department or agency head. Employment will be deemed conditional until legal residence is established in Greene County. In the event of hardship in meeting the residency requirement, the Board of County Commissioners may in their discretion grant such additional time for establishing residence as they determine to be reasonable.
- B. Personnel employed as a department or agency head currently residing in Greene County will be required as a condition of employment to maintain residence in Greene County during their tenure of employment as a department or agency head.
- C. A change in legal residency to a location outside Greene County by personnel holding a position of department or agency head will constitute grounds for termination of employment, unless such change in residence is approved by the Board of County Commissioners.

Section 5. Political Activity Restricted

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

However, no employee may:

- A. engage in any political or partisan activity while on duty;
- B. use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- C. be required as a duty of employment or as a condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- D. coerce or compel contributions for political or partisan purposes by another employee of the County; or
- E. use any supplies or equipment of the County for political or partisan purposes.

Additionally, employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

Any violation of this section subjects the alleged offender to dismissal or other disciplinary action.

Section 6. Outside Employment

Outside employment will be allowed to the extent such employment does not interfere with County service. Advance written approval must be obtained from the County Manager before engaging in the outside employment. The request for approval shall contain the hours, dates, place, and nature of employment. At any time an employee's supervisor becomes aware of interfering outside employment, the supervisor shall report such activity to the County Manager or designee for disciplinary action if the interfering outside employment is not curtailed or completely terminated.

Section 7. Limitation of Employment of Relatives

- A. Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly supervising a member of the immediate family, or in a position that would result in control of the payroll of an immediate family member.
- B. This policy is not retroactive and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- C. Immediate family is defined for the purpose of this section only as spouse, mother, father, guardian, child, sister, brother, aunt, uncle, niece, nephew, grandparents, grandchild plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.
- D. The Board of County Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin as required by Chapter 163A-103 (1) of the North Carolina General Statutes.

Section 8. Operation of County Vehicles & Equipment

- A. Vehicles owned by the County will be provided to certain personnel for County business. County vehicles and equipment are not to be used for personal purposes. The County has in effect a fleet policy covering the operation of County vehicles; all employees operating a County vehicle are responsible for abiding by its contents.
- B. All equipment owned by the County shall be used for County purposes only. The County has the right to inspect all equipment owned by it, and take appropriate disciplinary measures, up to and including dismissal, for improper use of County property for personal reasons.

- C. The computers owned by the County are not to be used for personal business, and telephones are not to be used for personal long distance calls not charged to a personal account. With respect to computers owned by the County, only programs purchased by the County, or approved by the County Manager, are to be installed and used. Any unauthorized use of the computers and/or telephones may result in disciplinary action.

Section 9. Purchase of Surplus County Equipment

No employee may purchase or have purchased for him/her, any item of equipment sold as surplus which was under the care, custody or control of the employee at the time the item was declared surplus. No employee may obtain any financial gain from the sale of such surplus equipment. Violations of this section are grounds for immediate dismissal.

Section 10. Travel - Scope of Sections 11 - 18.

Sections 11 through 18 of this Article will be applicable to all regular, full-time employees, Commissioners, members of advisory or special boards, and other employees or officials designated by the Board of County Commissioners.

Section 11. Travel - Authorization

The Department Head must authorize travel on official County business outside of Greene County. (The travel of Department Heads and the County Manager does not require approval, but the travel expense statements of Department Heads must have the County Manager's approval. A request for travel must describe the travel requested, the purpose of the proposed trip, and the period of time away from the County. The Board of County Commissioners, via budget amendment or other appropriate action must approve requests for travel that are not included in the current budget.

Section 12. Travel - Reimbursement for Mileage

County employees and officials traveling on official County business, within and outside the County, will be reimbursed as follows:

- A. travel by official vehicle, Greene County pays total cost of operation and maintenance;
- B. travel by personal car, current Internal Revenue Service allowable rate;
- C. travel by public conveyance with the prior approval of the County Manager or designee, the actual cost of the fare; and
- D. mileage for travel will be paid for the shortest usually traveled route, beginning from the place of work.

Section 13. Travel - Room and Board and Special Expenses

- A. Employees and officials will be expected to commence their return to Greene County as soon as practical after the conclusion of their business.
- B. Personnel traveling away from Greene County on official business will be compensated for all room and board expenses paid for out-of-pocket.
- C. Employees and officials will be reimbursed for the actual cost of special expenses paid by them from their personal funds, such as (but not limited to) parking fees, tolls, registration fees and other related expenses.

Section 14. Travel - Expense Statement Required

Employees and officials traveling on a reimbursable basis for the County will keep an accurate record of their expenses, their time of departure to and from destination, and their time of return. ~~No~~ Reimbursement will not be paid without a written travel claim signed by the employee or official. Receipts for the cost of hotel and travel

expenses and for any special expenses must be attached to the written claim. Unreasonable expense submissions will not be honored.

Section 15. Short Trips - (Not Overnight)

When an employee or official is away from the County on official business not requiring overnight absence, he/she will be reimbursed for meals and for special expenses incurred. The employee or official will keep an accurate record of all expenses, his time of departure to and from destination and his time of return. ~~No~~ Reimbursement will not be paid without a written travel claim signed by the employee or official. Receipts for special expenses must be attached to the claim.

Section 16. Travel - Reimbursement for Training Expenses

When an employee or official enters into a job-related training program, such as those sponsored by the Institute of Government, Greene County will pay for expenses such as tuition and books. The employee or official will not be expected to pay for these expenses out of pocket. In addition, all rules and regulations as outlined in Sections 11-18 of this Article will cover the employee or official.

Section 17. Travel - Status of Employees or Officials While Traveling (Fair Labor Standards Act)

Participation in official out-of-town business meetings, authorized training courses and authorized professional conferences, is "time worked" for the purpose of computing wages for employees subject to the overtime provisions in Article III, Section 10. Travel away from home is work time when it cuts across that employee's normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked during normal workdays but also during the corresponding hours on nonworking days. Regular meal period time is not counted as work time. Work time for nonexempt employees will not include that time spent in travel away from home outside of regular working hours as a passenger in an automobile, airplane, train, bus or boat.

Section 18. Travel - Worker's Compensation

Employees of the County absent from the County on official business, County approved training courses or professional meetings, will be covered by Worker's Compensation Insurance in accordance with the North Carolina Worker's Compensation Act and the County's worker's compensation insurance policy.

Section 19. Sexual Harassment Policy

- A. **Purpose:** The purpose of this section is to inform all departmental staff of the strict prohibition of any conduct defined as sexual harassment, the disciplinary action that may result from such behavior, and the rights of employees in such cases.
- B. **Policy:** It is the policy of Greene County that no employee may engage in conduct that falls under the definition of sexual harassment indicated below. No personnel decisions shall be made on the basis of granting or denial of sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment.
- C. **Unwelcome sexual advances, requests for sexual favors,** and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or educational environment.
- D. Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by departmental employees or prospective employees.

- E. Upon receipt of a complaint alleging sexual harassment, an immediate and thorough investigation will be initiated to ascertain the facts in the case. Any employee determined to have engaged in conduct defined as sexual harassment may be terminated immediately for reasons of unacceptable personal conduct.
- F. Any current or former employee of Greene County who believes he/she has been sexually harassed may appeal according to the process outlined in the grievance procedure prescribed in Article IX of this policy or directly to the County Manager. If the employee believes he/she has been sexually harassed by someone in the appeals process or by the County Manager, the individual may appeal to the County Attorney.

Section 20. Harassment Prevention Policy

Greene County's policy is to comply with both the letter and spirit of the law and, therefore, is committed to providing its employees with a workplace that is free of intimidation and harassment. Harassment of employees by co-workers, supervisors or outsiders is prohibited. Harassment is defined as behavior which is offensive to individuals or groups, including unwanted sexual advances, uninvited suggestive remarks, sexist, racist or religious slurs, and ethnic jokes.

- A. Any employee who believes he or she may have a legitimate complaint of harassment, sexual or otherwise, is encouraged to file a written complaint with their supervisor, Department Head, or directly with the County Manager. The County Manager will conduct a confidential investigation into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.
- B. Any employee violating this policy may be subject to immediate discipline ranging from a written warning to discharge, depending upon the severity of the violation in each case.

**ARTICLE VI
DRUG AND ALCOHOL FREE WORKPLACE POLICY**

Section 1. Purpose

Management of Greene County is committed to providing an alcohol and drug free workplace. This article establishes agency policy and procedures for staff who are responsible for insuring that the letter and spirit of this commitment are communicated and implemented in our agency.

Section 2. Policy

- A. Illegal drugs are defined for the purposes of this policy as: unauthorized controlled substances, look-a-likes, inhalants of abuse, and designer and synthetic drugs as defined and upheld by applicable state statutes. This includes but is not limited to any unauthorized drugs or abnormal substances which may affect an employee's mood, senses, responses, motor functions or alter or affect a person's perception, performance, judgment, reactions or senses.
- B. The following are prohibited on County premises and workplaces and while conducting any County business:
 - 1. The unlawful manufacture, distribution, dispensation, sale, possession, or use of controlled substances;
 - 2. The unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia; and
 - 3. Use of alcoholic beverages.Any substantiated violation of B. 1 through 3 is considered unacceptable personal conduct and, therefore, grounds for disciplinary action up to and including dismissal.
- C. Successful completion of the pre-employment drug test shall be a condition of employment with the County of Greene.
- D. This policy provides for the termination of an employee who abuses illegal or controlled substances. Alcohol is not an illegal substance. However, it can be abused. Impaired behavior and or diminished performance on the job resulting from the use of alcohol or any controlled substance is considered unacceptable personal conduct, and, therefore, grounds for disciplinary action up to and including dismissal.
- E. Greene County has the right to require that an employee submit to a drug or alcohol test when, in the Department Head's sole opinion, there is reasonable cause/suspicion that an employee is under the influences of drugs or alcohol. A positive result may lead to disciplinary action, up to and including termination.
- F. Some county departments/agencies may have additional drug and alcohol test policies in place resulting from state and/or federal requirements. Employees subject to them shall abide by them in addition to this policy.
- G. The agency will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials.
- H. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or Department Head.
- I. Disciplinary action, up to and including dismissal, must be taken when an employee:
 - 1. refuses to sign a consent form and participate in a required drug or alcohol test;
 - 2. intentionally tampers, or attempts to tamper, with a drug or alcohol sample or testing process; or
 - 3. produces a confirmed positive alcohol test or a verified positive drug test.
- I. Prescription drugs (legally controlled substances) prescribed by a licensed physician are excluded except that:
 - 1. All employees working in all positions who have been informed that the medication could cause adverse side effects while working, or where medication indicated such warning, must inform their supervisor prior to using such substances on the job. Employees must only possess a reasonable amount of medication on the job site.

2. The employee must not consume the prescribed drugs more often than prescribed by the employee's physician.
 3. The employee whose name appears on the prescription label must not allow any other person to consume the prescribed medication.
 4. All medicine must be in its original container and must be in the employee's name and have the doctor's name and prescription number on the label.
- J. The use of drugs and/or medicine prescribed by a licensed physician for the individual employee is permitted on the job provided that it will not detrimentally affect work performance or safety. Otherwise, the employee should take leave while on medication.
- K. An employee who receives a positive drug test may request of the collecting and/or testing agency that the same or split specimen be tested by another certified laboratory with the cost of such testing at the employee's expense.

Section 3. Procedures

The following procedures apply when a supervisor has reasonable cause to believe an employee is in violation of the Agency's Alcohol and Drug Free Workplace Policy. When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance, the employee may be required to submit to an immediate drug and/or alcohol test. The test must be administered by qualified personnel and proper procedures of specimen collection and confirmatory testing for an initial positive test to be used in disciplinary action.

- A. Review the circumstances and actions which are the basis for the reasonable cause with the department head or his designee.
- B. If the situation warrants, the employee may be suspended for investigatory purposes in accordance with established policy.
- C. In cases that involve possible manufacture, distribution, dispensing, selling, or possession of controlled substances at the workplace, the agency director or designee should contact the local law enforcement agency and State Bureau of Investigation for assistance.
- D. Document the situation as fully as possible and utilize others as witnesses to the extent practical. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances. Be sure to allow the employee an opportunity to respond to the results of the investigation. When the investigative finding warrants disciplinary actions, follow applicable policy and procedures.

In addition to the above, the following is applicable to all agency employees;

- A. If, with the approval of the agency director or designee, a drug or alcohol test is warranted, the department head or supervisor, with a witness present, shall inform the employee that as a condition of employment, management has the right to require him/her to submit to a drug or alcohol test. The employee must be advised of all the following:
 1. basis for the reasonable cause and the requirement that the employee sign a test consent form;
 2. methods of testing which may be used;
 3. substances which may be identified;
 4. importance of cooperating with the collection site personnel;
 5. confidentiality of individual test results;
 6. consequences of refusing to sign consent forms, failing to submit to immediate testing, failing to report for a specimen collection, or receiving a verified positive drug test result or confirmed positive alcohol test.
- B. Immediately after reviewing A. 1 through 6 above with the employee, he/she must be given notification of the location of the test; consent of the employee to the test is required prior to testing.
- C. Agency personnel shall transport the employee to the test site immediately after he/she signs the consent form.

- D. If the employee refuses to sign the consent form or to undergo testing immediately as scheduled, the agency director shall take appropriate disciplinary action.
- E. If a non-positive test result occurs, the employee must be notified immediately by the agency director or his designee. If the employee has been placed on investigatory suspension he/she shall be reinstated in accordance with policy requirements. All records surrounding this incident shall be removed from the employee's personnel file. If the test is positive, the Director, within 5 days of receiving positive test confirmation, shall inform the employee, in writing, of the results and proposed action to be taken.
- F. Disciplinary actions resulting from a confirmed positive test, refusal to participate in a test or altering test results, shall be handled in accordance with established policies for disciplinary action.
- G. A laboratory certified by the U.S. Department of Health and Human Services will carry out all drug (controlled substances) testing-and testing will be conducted via an approved method of discerning substances in the body.
- H. Alcohol testing will meet industry standards or applicable U. S. Department of Health and Human Services guidelines and testing will be conducted via a saliva, blood or breath specimen.
- I. All specimens will be collected under chain of custody procedures that include protocols to assure specimen integrity.
- J. Positive drug (controlled substances) tests will undergo confirmatory testing at the request of the employee. Such additional tests will be the financial responsibility of the employee.
- K. Positive alcohol tests will undergo confirmatory testing by either blood or breath at the request of the employee. Such additional tests will be the financial responsibility of the employee.

Section 4. Definitions

A. Reasonable Cause/Suspicion

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

1. 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.
2. A report of alcohol or drug use, by an employee while at work, provided by a reliable and credible source.
3. 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 agency business while under the influence of alcohol or drugs.
4. Evidence that an employee is involved in the unauthorized manufacture, distribution, dispensation, possession, sale or use, of alcohol or drugs while working or while on the County's premises or operating a County vehicle, machinery or equipment, or while conducting agency business.
5. Combative, abusive, violent or disruptive behavior (verbal or physical);
6. Erratic behavior/mood swings;
7. Relevant body or breath odors;
8. Focus of investigation, arrest or conviction for drug related offense;
9. Evidence of drug test tampering.
10. A pattern of excessive absenteeism, tardiness or deterioration in work performance in combination with an observable occurrence as described above.

**ARTICLE VII
LEAVES OF ABSENCE**

Section 1. Holidays

- A. It is the policy of Greene County to acknowledge holidays as they are designated by the State of North Carolina. The following days, together with other days as the Board of County Commissioners may designate, are holidays with pay for all full-time regular, probationary, part-time and temporary employees and officers of the County working the basic workweek.

*New Year's Day
Martin Luther King, Jr.'s Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day (Two (2) days – Thanksgiving Day and the day after)
Christmas (Christmas Holiday is determined by the following chart)*

<i>If Christmas Falls On A:</i>	<i>Then Greene County Offices will observe the following days for Christmas Holiday</i>
<i>Monday</i>	<i>Monday and Tuesday</i>
<i>Tuesday</i>	<i>Monday, Tuesday and Wednesday</i>
<i>Wednesday</i>	<i>Tuesday, Wednesday and Thursday</i>
<i>Thursday</i>	<i>Wednesday, Thursday and Friday</i>
<i>Friday</i>	<i>Thursday and Friday</i>
<i>Saturday</i>	<i>Friday and Monday</i>
<i>Sunday</i>	<i>Friday and Monday</i>

- B. Holiday leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 7 of this Article.
- C. All employees who qualify for retirement benefits will receive these holidays with pay.
- D. In order to be eligible for holiday pay, a temporary County employee must be in active pay status before and after the holiday, unless excused by the County.
- E. It is recognized that the Sheriff and Jail Communications and EMS require a separate holiday schedule applicable to their employees working on assigned shifts in maintaining a twenty-four hour operation or a seven-day a week operation. The Department Head, with the approval of the County Manager, determines these holiday schedules.
- F. Regular holidays that occur during a vacation, sick or other paid leave period of any officer or employee of the County will not be charged as vacation, sick or other paid leave.

Section 2. Personal Leave

- A. All employees who qualify for retirement earn personal leave on a monthly basis. Personal leave will be accrued in accordance with the following schedule of Greene County service:

Years of Aggregate Service to Greene County	Hours Earned Per Month	Days Earned in One Year
Less than 2 years	8	12
2 but less than 5 years	9	13.5
5 but less than 10 years	11	16.5
10 but less than 15 years	13	19.5
15 but less than 20 years	15	22.5
20 or greater	17	25.5

- B. Eligible part-time employees accrue personal leave on the same percentage basis as their percentage of work is to full-time.
- C. Personal leave accrues on a monthly basis and will be credited at the end of the month for which leave is earned. A new employee earns leave for the month if the first day of work is on or before the fifteenth (15th) day of the month. An employee separating from County employment earns leave for the month if the last day of work is on or after the fifteenth (15th) day of the month.
- D. An employee going on leave without pay earns leave for the month if the last day of work or the last day of pay status is on or after the fifteenth (15th) day of the month.
- E. Personal leave may not be taken until it has been earned and credited to the employee's account.
- F. Personal leave may be accumulated without any applicable maximum until June 30 of each fiscal year. On June 30 of each fiscal year, any employee with more than 240 hours of accumulated leave will have the excess accumulation converted to sick leave so that only 240 hours are carried forward to July 1 of the next fiscal year. Maximum accumulation for part-time employees will be pro-rated based upon their percentage of work to full-time. This converted sick leave may be used for any purpose that regular sick leave may be used. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement up to the maximum allowed by the Local Government Employees' Retirement System.
- G. Personal leave is to be taken with the prior approval of the employee's Department Head or supervisor. Requests for personal leave submitted to the employee's Department Head, or the appropriate designated supervisor, are granted at the discretion of the Department Head, so as not to interfere with the department's operations. Every effort will be made to accommodate requests for personal leave. Requests may be disapproved because of workload or staffing level. Any conflicts which cannot be resolved by the immediate supervisor or Department Head will be referred to the County Manager or designee.
- H. Personal leave may be requested for periods of absence due to vacation, involvement in children's schools, adverse weather conditions, illness, and other personal reasons.
- I. Personal leave must be taken in increments of at least fifteen (15) minutes.
- J. Any employee who separates in good standing and is reinstated within five (5) years may receive credit for previous service for the purpose of accruing personal leave.
- K. An employee who is separated from County service will be paid for accrued personal leave up to a maximum of two hundred forty (240) hours.
- L. The estate of an employee who dies while employed by the County is entitled to payment for all of the accumulated personal leave credited to the employee's account, not to exceed a maximum of 240 hours.
- M. At the request of the employee, unused accumulated personal leave may be transferred from Greene County to another governmental unit if the unit to which the transfer is being made will accept the leave. This includes transfers between state and local agencies. Written documentation must be received from the new employer indicating that transferred leave will be accepted.

Section 3. Sick Leave

- A. Sick leave with pay is not a right that an employee may demand but a privilege granted by the Board of County Commissioners for the benefit of an employee when sick.
- B. Sick leave is granted to a regular part-time, and full-time, and probationary employees absent from work for any of the following reasons:
 - 1. Sickness or bodily injury which may prevent an employee from performing regular duties;
 - 2. Sickness or bodily injury of a spouse, child (including step relationships) or parent;
 - 3. A reasonable amount of time for attending medical or dental appointments, whether for the employee, spouse, child (including step relationships) or parents or grandparent;
 - 4. The actual period of temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom;
 - 5. Exposure to a contagious disease when continuous work might jeopardize the health of others;
 - 6. Death in the employee's immediate family (as defined in Article I, Section 4), not to exceed four (4) days for any one occurrence. The Department Head may authorize additional leave time, under exceptional circumstances.
 - 7. Death of other family members, not to exceed two (2) days for any one occurrence. Other family is defined as nieces, nephews, aunts, and uncles.
 - 8. Death of a non-family member, not to exceed one (1) day for any one occurrence.
- C. All employees who qualify for retirement earn sick leave on a monthly basis at the rate of eight (8) hours per month, prorated for part-time employees.
- D. Eligible part-time employees accrue sick leave on the same percentage basis as their percentage is to full-time.
- E. Sick leave will be credited at the end of the month for which leave is earned. A new employee will earn leave for the month if the first day of work is on or before the fifteenth (15th) day of the month. An employee separating will earn leave for the month if the last day of work is on or after the fifteenth (15th) day of the month.
- F. An employee going on leave without pay will earn leave for the month if the last day of work or the last day of pay status is on or after the fifteenth (15th) day of the month.
- G. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled working day, except in cases of extreme emergency. Sick leave may be taken only with the approval of the supervisor or Department Head.
- H. Paid sick leave may not be taken until it has been earned and/or credited to the employee's account.
- I. The employee's Department Head or the County Manager may require a statement from a physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period, the employee's Department Head or the County Manager may require a physical and/or mental examination at the County's expense, and by a physician of its choice, to determine if the employee is able to resume normal duties. Abuse of sick leave may result in disciplinary action, and ultimately termination.
- J. Sick leave is cumulative for an unlimited number of days.
- K. Sick leave must be taken in at least increments of fifteen (15) minutes or more.
- L. Unused sick leave earned from another North Carolina government agency and/or entity who participates in the North Carolina Local Government Employee's Retirement System, the North Carolina Employee's and Teacher's Retirement System and any others approved by the North Carolina State Retirement System will be accepted and transferred to the County upon receipt of written documentation from the previous employer.
- M. Sick Leave will not be paid upon termination. Employees who are re-employed with the County within a period of five (5) years will have unused sick leave credits reinstated.
- N. At the request of the employee, unused accumulated sick leave may be transferred from Greene County to another governmental unit if the unit to which the transfer is being made will accept the leave. This includes transfers between state and local agencies. Written documentation must be received from the new employer indicating that transferred leave will be accepted.

- O. Unused sick leave is allowed as creditable service at time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System, according to the rules governing the system at the time of retirement.

Section 4. Calculation of Holiday Leave, Vacation Leave and Sick Leave

Holiday leave, vacation leave and sick leave earned by regular employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the following formula:

- A. The number of hours worked by such employees shall be divided by the number of hours in the basic workweek.
- B. The proportion obtained in Subsection A shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- C. The number of hours in Subsection B, divided by twelve, shall be the number of hours of leave earned monthly by the employees concerned.

Section 5. Leave for Parent Involvement in School

In accordance with North Carolina General Statute § 95-28.3, Greene County allows up to four (4) hours of unpaid leave per year to all employees who are a parent, guardian, or person standing in loco parentis of a school aged child so that the employee may attend or otherwise be involved at that child's school. However, any leave granted for such reasons is subject to the following conditions:

- A. The leave must be at a mutually agreed upon time between the employee and the Department Head.
- B. The employee must notify his/her supervisor before taking such leave; and
- C. The supervisor or Department Head may require written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave.

Section 6. Educational Leave With Pay

- A. A leave of absence at full or partial pay for a period not to exceed thirty (30) working days may be granted upon the recommendation of the Department Head with the approval of the County Manager, for an employee to take courses of study which will better equip the employee to perform his or her duties for the County.
- B. A leave of absence at full or partial pay for a period beyond thirty (30) days, not to exceed nine (9) calendar months may be granted for the same purpose, but only with the approval of the Board of County Commissioners.
- C. An employee on educational leave with pay will agree to return to the service of the County upon completion of the employee's training and remain in the employ of the County for a period to equal twice the educational leave which the employee received; or the employee will reimburse the County for all compensation received while on educational leave.
- D. An employee on educational leave with pay will continue to earn leave credits and any other benefits to which County employees are entitled.
- E. Extended educational leave without pay will be granted in accordance with policies governing Leave Without Pay.

Section 7. Leave Without Pay - Policy

- A. Upon the recommendation of the Department Head, the County Manager may grant leave without pay for absences for personal reasons, and for education not directly related to employee duties. Leaves of absence without pay are normally limited to thirty (30) working days in a calendar year. When a leave without pay ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.
- B. In exceptional situations, an extended leave without pay period beyond thirty (30) days, as described above, or beyond the twelve (12) weeks entitlement for Family and Medical Leave as described in

Section 13 of this Article may be granted. An "extended" leave of absence without pay is subject to approval by the Board of County Commissioners upon recommendation of the Department Head and County Manager and may not exceed one (1) year.

- C. The employee must apply in writing to his/her department for leave without pay. The employee is obligated to return to work within or at the end of the time granted. Requests for leaves of absence without pay will be submitted to the County Manager as far in advance as possible.
- D. Employees have the option of first using any accrued paid leave time, as is applicable, before taking leave without pay, or they may retain accrued leave up to the limits set forth under this article. Personal and sick leave credits will not be accrued during the periods of leave without pay.
- E. The County does not provide benefits for employees on leave without pay. If the employee elects to remain active in the program over the period of approved leave without pay, the employee must reimburse the County for the cost of insurance or other benefits which are to be paid on the employee's behalf.
- F. Failure to report at the expiration of a leave of absence, unless an extension has been requested, will be considered a resignation.

Section 8. Worker's Compensation Leave

- A. When an employee is injured on the job as a result of a compensable accident and loses time from work due to the injury, the employee will not be charged for leave time lost from work on the day of the injury. Employees are expected to return to work unless the treating physician indicates the employee must go home for the day. A written statement must be obtained from the treating physician if the employee cannot return to work. In a situation where the employee cannot return to work the employee will be paid a full salary for normal working hours on the day of the injury.
- B. If the injury results in additional time away from work, the employee will be placed on workers compensation leave and receive the workers compensation weekly benefit after the required waiting period. The employee may elect to take sick or personal leave during the required waiting period, or may elect to go on workers compensation leave with no pay for the required waiting period. Once the employee begins drawing workers compensation pay, the employee will not be allowed to use personal or sick leave.
- C. In no case will an employee be allowed to buy back from the County leave used during any period of absence due to a workers compensation injury or illness.
- D. Individual hospitalization and life insurance provided for the employee by the County during regular pay status will be provided for a period no longer than six (6) months during workers compensation leave. Family hospitalization and family life insurance coverage may be continued at the employee's option and expense.
- E. Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by workers compensation.
- F. 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 Worker's Compensation Act.

Section 9. Military Leave

- A. Employees who are members of the armed forces reserve or national guard may be granted leave for military training up to two weeks (10 working days) per calendar year or the employee may take annual leave.
- B. Employees will be paid the difference between their military pay and regular pay as a County employee if the military pay is less than their regular pay. If military pay is greater than the employee's regular County pay, no compensation will be paid.
- C. Military leave in excess of two weeks per year will be a leave of absence without pay unless otherwise approved by the County Manager or the employee takes annual leave.
- D. While on military leave with pay the employee's leave credits and other benefits continue to accrue. Employees who are reservists have all job rights specified in the Veterans Readjustment Assistance Act.

- E. Any employee who is eligible to receive military leave ~~with pay~~ must present to his or her Department Head a copy of the orders or other documentation certifying performance of required military duty. This documentation should be attached to the employee's monthly time sheet or leave record.
- F. Employees who are required to attend weekend duty may be granted accrued vacation time or unpaid leave for assignments requiring their absence from their County position on Friday afternoon.
- G. An employee who enters extended active duty with the Armed Forces of the United States, the public health service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law.

Section 10. Civil Leave

All County employees called for jury duty or as witnesses in any civil or criminal legal proceeding will be entitled to leave with pay for such duty during the required absence. When a County employee attends court in connection with his official duties, no leave is required. The County will compensate employees for travel, room and board and special expenses incurred while serving as witnesses in connection with their official duties. The employee is entitled to regular compensation plus fee received for jury duty. An employee who is a party (plaintiff or defendant) in a court proceeding is not considered as a "witness"; and therefore, personal leave or leave without pay must be used for the purpose of attending court, unless the employee is made such a party due to their official duties. While on civil leave, benefits and leave will accrue as though on regular duty.

Section 11. Administrative Leave

During periods in which the County Manager deems it advisable for an employee not to report to work, such as days in which adverse weather conditions make travel extremely hazardous, the affected employees may be granted an administrative leave of absence at full pay and benefits.

Section 12. Family and Medical Leave

- A. The County provides family leave without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
- B. The County also provides medical leave without pay to eligible employees who are temporarily unable to work because of a serious health condition or disability. For purposes of this policy, a serious health condition or disability includes inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disability associated with pregnancy, childbirth, and related medical conditions.
- C. County employees who qualify for retirement benefits or who have worked for the County for at least 1,250 hours during the preceding twelve-month period are eligible for family and medical leave.
- D. Employees must first use any accrued paid leave time before taking unpaid family and /or medical leave. Employees will be allowed to maintain up to five (5) days of personal leave and sick leave when requesting family and medical leave. When an employee uses sick leave for a purpose which would qualify as Family and Medical Leave, then the amount of such leave shall be counted against the employee's twelve (12) weeks. Personal and sick leave credits will not be accrued nor will the employee receive paid holidays during family and/or medical leave without pay.
- E. In cases in which the need for leave is foreseeable, the employee is required to provide at least thirty (30) days notice before the date leave is to begin. When circumstances prevent such notice, the employee must provide notice as soon as practicable.
- F. It is the responsibility of the Department Head to forward employee requests for Family and Medical Leave to the County Manager or designee who will determine eligibility for coverage under this policy. A personnel action form placing the employee on Family and Medical Leave and supporting documents must be forwarded to the County Manager's office as soon as possible so that appropriate

personnel and payroll adjustments can be made. These forms will be filed in the employee's personnel file.

- G. The employee must provide, upon request, written verification of any serious health condition prompting the request. Such verification is to include the date on which the serious health condition began; the probable duration of the condition; the appropriate medical facts known by the health care provider regarding the condition; and if the request is for a family member, a statement that the employee is needed to provide care. A form for this purpose may be obtained from the Department Head. The County may require proof of the circumstances justifying a request for leave. Such proof may be questioned by the County, and the County may require a second or third opinion in the case of the employee's own illness. The third opinion is final and binding upon both parties. The costs of the second and third opinions, if any, are borne by the County.
- H. Individual hospitalization and life insurance provided for the employee by the County during regular pay status will be provided during family and/or medical leave without pay. Family hospitalization and family life insurance coverage may be continued at the employee's option and expense.
- I. Eligible employees are entitled to receive up to a maximum of 12 weeks of family and/or medical leave within any 12-month period. Any combination of family and medical leave within the 12-month period may not exceed this maximum limit. If the initial period of approved absence proves insufficient, consideration may be given to a request for an extension. An employee's 12-month period begins on the first day that Family Medical Leave begins.
- J. The entitlement to leave for birth or child placement expires one year after the date of childbirth or placement. Child birth or placement leave must be taken in one block of time up to 12 weeks.
- K. Married employee couples shall be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child.
- L. There are cases when leave is needed intermittently or on a reduced-time schedule due to a serious health condition of the employee or a member of the employee's family. If the employee requests intermittent leave or leave on a reduced-time schedule for planned medical treatment, the agency or department may transfer the employee temporarily to another position of equal pay and benefits for which the employee is qualified. Such transfer is to be made for the purpose of accommodating the recurring periods of leave. Only the time actually taken as leave will be counted toward the 12 weeks of family and medical leave.
- M. An employee returning from medical leave must submit a health care provider's verification of the employee's fitness to return to work.
- N. So that an employee's return to work can be properly scheduled, an employee on family and/or medical leave is requested to provide the County with at least two (2) weeks advance notice of the date the employee intends to return to work. When a family and/or medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position, i.e. with same benefits, pay, and other terms and conditions of employment, for which the employee is qualified.
- O. The employee may be required to report to his/her supervisor at regular intervals regarding the status of the condition that prompted the requested leave.
- P. If, at the expiration of the family and/or medical leave without pay period, an employee fails to report for duty, and no extension of the leave without pay has been granted, then the failure to report is deemed a resignation.

Section 13. Shared Leave Policy

The Shared Leave policy allows county employees to voluntarily donate some of their annual leave to an employee who, due to a serious and prolonged medical condition, has exhausted all available leave. All county employees are eligible recipients of Shared Leave.

Non-family members may only contribute annual leave. Family members, who are County employees, may contribute sick leave (family being defined as spouse, parents, children, and other dependants living in the employee's household).

A regular or probationary employee who has 80 hours or less of leave and who will be out of work for more than 10 working days is eligible to receive shared leave. The circumstances may involve the employee or a family member.

In either case, a physician's verification is required. Sick and annual leave must be exhausted before an employee may receive donated leave.

An eligible employee can request shared leave by submitting a request to their departments head, who will then make a recommendation to the County Manager, who will then either approve or disapprove the request.

The donating employee may not receive compensation in any form for the donation of leave. Giving or acceptance of remuneration for donated leave will result in disciplinary action, up to and including dismissal.

Section 14. Leave Records

It is the responsibility of each County agency or department to maintain accurate leave records for each employee. Leave records should be updated minimally on a monthly basis. Leave records should be destroyed in office after four (4) years if no litigation, claim, audit, or other action involving the records has been initiated. If action has been initiated, such record will be destroyed after completion of action and resolution of the issues involved.

Section 15. Compensatory Time Off

Employees who have earned compensatory time off must utilize the compensatory time off before utilizing any annual or sick leave.

**ARTICLE VIII
SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**

This article does not apply to employees subject to the State Personnel Act

Section 1. Types of Separation

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

Section 2. Resignation

A minimum of two (2) weeks notice is expected of all resigning personnel except that Department Heads are expected to give thirty (30) days notice. Such notice should be given to the Department Head, or in case of Department Heads, to the County Manager.

Section 3. Reduction in Force

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

A regular employee who is separated due to reduction in force possesses the right to appeal that action.

A. Determining the scope of the reduction and the layoff unit

Funding restrictions, reorganization, consolidation or abolishment of functions or organizational units, curtailment of work or activities, or other reasons may result in the need to abolish a position(s) or to so substantially redesign a position that the incumbent would not reasonably be considered a candidate for the new position because he/she lacks specific position qualification requirements. When this happens, the County Manager shall examine the organizational and program scope of operations and designate a "lay off unit." The County Manager will then determine the necessary reallocation, reassignment (transfer), and/or abolishment of positions.

The County Manager shall, after consulting with all Department Heads, prepare a reduction-in-force plan for the Board of County Commissioners to review. The plan is to include:

1. The layoff unit(s);
2. The necessary reallocation, reassignment, and/or abolishment of positions; and
3. Names and positions of staff to be separated.

Layoff unit designations allow management to distribute staff resources according to service priorities of the County.

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

B. Employee coverage and exemptions

The reduction in force policy covers all regular employees as defined below:

For the purposes of Section 3 of this Article, the term regular employee means a person who has satisfactorily completed a prescribed probationary period of at least three months duration in a permanent position and has been officially granted regular status in the agency or who entered agency employment with regular status, or who has satisfactorily completed an official trainee period.

C. Establishing a plan and procedure for employee separation

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

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

D. After the necessary reduction in force decisions have been made through application of the above criteria, the County Manager shall give formal written notice to all regular employees scheduled for separation. The notice shall be given as soon as practical. The County Manager shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction in force policy.

E. Appeal rights

A regular employee, as defined in this policy, who is separated due to a reduction in force has the right to appeal in accordance with the provisions of the grievance procedure prescribed in Article IX of this Policy.

Section 4. Disability

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

Section 5. Retirement Age

Any employee may retire when he or she is eligible and applies for immediate retirement benefits from the North Carolina Local Government Employees Retirement System or Law Enforcement Officers' Retirement System. At

the time of retirement, employees are paid in a lump sum for accumulated vacation leave as per Article VII, Section 2.

Section 6. Death

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

Section 7. Disciplinary Actions

An employee may be suspended or demoted by the Department Head or dismissed jointly by the County Manager and the Department Head in accordance with Section 8 of this Article, entitled Disciplinary Policy. The Department Head shall provide the employee with a written notice including the recommended effective date, reasons for the action and appeal rights available to the employee.

Section 8. Disciplinary Policy

Employees of Greene County are at-will employees whose employment may be terminated at any time, without cause, without notice and without a hearing before or subsequent to termination.

The decision to take any disciplinary action against an employee of Greene County and the procedures for administering that disciplinary action are solely at the discretion of the Department Head and the County Manager. Management has absolute discretion in determining whether these guidelines are to be followed or if some other course of action is appropriate.

- A. Any county employee may be warned, demoted, suspended or dismissed.
1. The bases for discipline or dismissal of county employees fall under two general categories:
 - a. Unacceptable job performance; and
 - b. Unacceptable personal conduct.
 2. The term "unacceptable job performance" means the failure to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by management of the work unit or department. The supervisor shall make the determination of unacceptable performance. There is created a rebuttable presumption that the determination is proper and factually supported.
 3. The term "unacceptable personal conduct" means that conduct relating to personal conduct detrimental to County service in order to avoid undue disruption of work, to protect the safety of persons or property, or any other serious reason. The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion or dismissal. In no manner is this a complete recital of adequate grounds for suspension, demotion, or dismissal.
 - a. fraud in securing appointment or misrepresentations on the application for employment;
 - b. conduct unbecoming a public officer or employee;
 - c. conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of "no contest" to either;
 - d. misappropriation or misuse of County funds or property;
 - e. intentional falsification of County records;
 - f. willful damage or destruction of property;
 - g. willful acts that would endanger the lives and/or property of others;
 - h. acceptance of gifts in exchange for "favors" or "influence";
 - i. outside conflict of interest;
 - j. violation of political activity restrictions.
 - k. harassment of employees
 4. Either unacceptable job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely due to incorrect labeling of the disciplinary action.

5. Prior to taking any formal disciplinary action, the Department Head shall discuss the facts of the case with and receive the approval of the County Manager.
- B. Dismissal: Causes Relating to the Performance of Duties
1. This category covers all types of performance-related inadequacies. This policy does not require that progressive warnings all concern the same type of unsatisfactory performance.
 2. Warnings related to personal conduct may be included in the progressive system for performance related dismissal provided that the employee receives at least the number of warnings, regardless of the basis of the warnings, required for dismissal on the basis of inadequate performance.
 3. Warnings administered under this policy are intended to bring about permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance at the next level of discipline. Unless otherwise specified in writing, the warning is active for a period of eighteen (18) months.
 4. Employees who are dismissed for unsatisfactory job performance may receive at least one (1) written warning prior to the final written warning. The written warning should document all relevant points covered in the disciplinary discussion.
 5. Written Warning

In a meeting with the employee, the Department Head or designated management representative shall:

 - a. Prepare and send to the employee a written warning covering significant points of the disciplinary conference, taking care to include specific reasons for the warning and the time frame for correcting the reason(s) for the disciplinary action.
 - b. Conduct a disciplinary conference with the employee;
 - c. Present the employee with a copy of the written warning at the end of the conference;
 6. Final Written Warning

Before issuing the final written warning, the Department Head and the County Manager shall review the contents of the warning. The following steps shall be taken in the issuance of the final written warning:

 - a. Prepare a final written warning to the employee, taking care to include the specific reasons for the warning and that failure to promptly correct the unsatisfactory performance may result in dismissal;
 - b. Conduct a disciplinary conference with the employee;
 - c. Present the warning to the employee at the end of the conference.
 7. Dismissal: Generally, before an employee may be dismissed for causes relating to performance of duties, the following shall occur:
 - a. The Department Head recommending the dismissal shall discuss the recommendation with the County Manager and receive management's authorization to hold a conference with the employee. The purpose of the conference is to review the recommendation with the affected employee, by listening to and considering information put forth by the employee, to ~~insure~~ ensure that such a significant personnel action is not based upon mistaken or erroneous information and conclusions.
 - b. The designated management representative may schedule and conduct the conference with the employee. Advance notice must be given to the employee. A second management representative and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. In the conference, the management representative shall give the employee specific reasons for the proposed dismissal and a summary of the information supporting the recommendation. The employee shall have an opportunity to respond to the proposed dismissal, to refute information supporting the recommended dismissal action and to offer information or arguments to support his/her position. Every effort shall be made by the management representative to assure that the employee has had a full opportunity to set forth any information in his possession in opposition to his/her dismissal prior to the end of the conference.
 - c. Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation.
 - d. If management's decision is to dismiss the employee, a written Letter of Dismissal shall be delivered to the employee either in person or by certified mail, return receipt requested. The Letter of Dismissal shall contain the following:

- a. the specific reasons for the dismissal;
- b. the effective date of the dismissal;
- c. an explanation of the employee's option to have the decision reviewed.
- e. If management's decision is not to dismiss the employee, the decision may be communicated to the employee at any time following the conclusion of the conference.
- f. Management shall determine the effective date of a dismissal for unsatisfactory job performance. Dismissal may be immediate.

D. Dismissal: Causes Relating to Personal Conduct

- 1. An employee 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.
- 2. Disciplinary demotions, suspensions or dismissals for personal conduct shall be in writing. The written notification shall include specific reasons for the discipline and notice of the employee's right to appeal.

E. Investigatory Suspension

- 1. An employee who has been suspended for investigatory reasons must be placed on compulsory leave of absence without pay.
- 2. Investigatory suspension without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. 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 without pay shall not exceed 45 calendar days. However, at the Department Head's discretion, the period of suspension may be extended. The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by management, by the end of the 45 calendar days, and no extension has been made, one of the following must occur: 1) reinstatement of the employee with full back pay; 2) appropriate disciplinary action based on the results of the investigation.
- 3. An employee who has been suspended without pay must be furnished a statement in writing, delivered in person or by certified mail, setting forth the specific acts or omissions that are the reasons for the suspension.
- 4. When a Department Head or the County Manager suspends an employee, he/she shall tell the employee to leave County property at once and remain away until further notice. The Department Head shall notify the County Manager immediately if a suspension is made.

F. Demotion

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

- 1. Job Performance: An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior warning regarding his/her performance.
- 2. Personal Conduct: An employee may be demoted for unacceptable personal conduct without any prior warning. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.
- 3. Notice: An employee who is demoted must receive notice of the specific reasons for the demotion, as well as notice of his/her option to have the decision reviewed.
- 4. Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without 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.
- 5. Prior to the decision to demote an employee for disciplinary reasons, a management representative must conduct a pre-demotion conference with the employee. The pre-demotion conference shall be accomplished in the same fashion as the pre-dismissal conference.
- 6. An employee who is suspended for disciplinary reasons is temporarily relieved of all duties and responsibilities and receives no compensation for the period of suspension.

G. Special Provisions—Credentials

1. Only persons who are duly licensed, registered or certified may perform some duties assigned to positions.
2. Employees in such jobs are responsible for maintaining current valid credentials as required by law. Failure to maintain the required credential is a basis for immediate dismissal without prior warning.
3. An employee who is dismissed shall be given a written statement of the reason for the action.

H. A regular employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article IX of this policy.

Section 9. Reinstatement

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

Section 10. Damage to County Property

When a department head has determined that an employee has willfully and negligently damaged or destroyed county property, the department head shall inform the county employee of such finding. The department head shall request that the employee pay for the damage within a reasonable time. The failure of the employee to pay for the damage or destruction of said property shall be grounds for terminating the employee/employer relationship between the employee and the County.

The department head shall notify the employee in writing of his decision and furnish a copy to the County Manager.

In the event the employee disagrees with the decision of the department head, the decision can be appealed to the County Manager within five (5) working days. The County Manager shall notify the employee and the department head of his/her determination in writing.

Section 11. Exit Policy for Termination/Transfer of Employment

- A. When an employee resigns, retires or leaves the employment of Greene County, the department head shall write a letter to the employee acknowledging the resignation or retirement, scheduling an exit interview and notifying the employee of the designated county employee in which to return county property.
- B. When an employee resigns, retires or leaves the employment of Greene County or transfers to another department, the immediate supervisor will review and research what Greene County property is in the employee's possession.
- C. The supervisor will discuss with the terminating/transferring employee, prior to leaving, arrangements for the return of the Greene County property.
- D. A formal exit interview will be arranged between the employee and the supervisor.
- E. The supervisor and the employee will ensure that property is returned and secured.

- F. The supervisor will ensure that all areas of the department are informed of the termination/transfer of the staff member.
- G. The supervisor will arrange for the staff member to remove all personal property from office space, desk, or department.
- H. The supervisor will arrange for removal/changing of computer codes, telephone equipment/voice mail, and telephone lists.
- I. The supervisor will discuss with the employee the final payroll arrangements, pension implications and changes to benefits.

**ARTICLE IX
GRIEVANCE PROCEDURE, DISCRIMINATORY AND ADVERSE ACTION APPEAL**

This article does not apply to employees subject to the State Personnel Act

Section 1. Grievance and Adverse Action - Definitions

An adverse action is a disciplinary action, demotion, dismissal, reduction in pay, layoff due to reduction in force, an involuntary transfer or suspension. A grievance is a claim or complaint by the employee based upon an adverse action.

Section 2. Grievance Procedure and Adverse Action Appeal Policy

- A. Every regular employee who has completed a probationary period and who has been demoted, dismissed, suspended, involuntarily transferred, laid off due to a reduction in force, or had their pay reduced, has the right to present his/her grievance in accordance with the established policy free from interference, coercion, restraint, discrimination or reprisal.
- B. It is the responsibility of supervisors at all levels, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance or adverse action appeal of any employee.
- C. In adopting this policy, the County sets forth the following objectives to be attained in this program:
 - 1. Assure employees of a way in which they can have their problems or complaints considered rapidly, fairly and without fear of reprisal.
 - 2. Encourage the employee to express himself/herself concerning how the conditions of work affect him as an employee.
 - 3. Obtain better employee understanding of the policies, practices and procedures which affect them.
 - 4. Provide employees with assurance that actions are taken in accordance with policies.
 - 5. Provide a check on how policies are carried out by supervisors.
 - 6. Give supervisors a greater sense of responsibility in their dealings with employees.

Section 3. Grievance and Adverse Action Appeal Procedure -Non-Discrimination

Any regular County employee having a grievance arising out of or due to his employment and who does not allege discrimination because of his age, sex, race, color, national origin, religion, creed, handicapped status or political affiliation shall first discuss his problem or grievance with his supervisor, following the grievance or adverse action appeal procedure as established by the County.

Step 1. The employee with a grievance appeal shall present the matter orally or in writing to his immediate supervisor within thirty (30) calendar days of its occurrence or within thirty (30) calendar days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. The supervisor should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial and equitable determination and give the employee an answer in writing within a reasonable time not to exceed ten (10) working days. The employee and Department Head (if not immediate supervisor) will sign the determination to acknowledge receipt and date of the responses. The signed response is filed in the employee's personnel record.

Step 2. If the decision is not satisfactory to the employee in Step (1), or if he fails to receive an answer within the designated period provided in Step (1), he may file a grievance in writing within five (5) working days with the Department Head, (or County Manager if Department Head is Step(1)), who shall hear the grievance and render a decision in writing within a maximum of five (5) working days. A copy will be forwarded by the Department Head to the County Manager, signed and dated by the employee to acknowledge receipt of response. The signed response will be filed in the employee's personnel record. If the Sheriff and Register of Deeds utilize this procedure, there shall be no appeal beyond the decision of the respective elected official.

Step 3. If the decision is not satisfactory to the employee in Step (2), or if he fails to receive an answer within the designated period provided in Step (2), he may file the grievance in writing with the County Manager within five (5) working days. The County Manager shall review the case data, consult with whatever sources deemed appropriate, and give an answer in writing within ten (10) working days with a copy being sent to the employee by registered mail. A copy of the County Manager's response will be placed in the employee's personnel record.

Step 4. If the decision is not satisfactory to the employee in Step (3), or if he fails to receive an answer within the designated period provided in Step (3), he may file the grievance in writing with the Board of Commissioners within five (5) working days after receiving the County Manager's decision. The employee may file the request with the Chairman of the Board of County Commissioners. The Board of Commissioners will then discuss the matter, in closed session, at the next regularly scheduled meeting, and then advise the employee of its decision in writing (via registered mail) within ten (10) working days after decision. A copy of this response will be placed in the employee's personnel record. The Board of County Commissioners' decision will be final and there will be no appeal therefrom.

Section 4. Grievance and Adverse Action Appeal Procedure—Discrimination

Any applicant for County employment, County employee, or former County employee who has reason to believe that employment, promotion, training or transfer was denied him/her or that demotion, layoff or termination of employment was forced upon him because of his age, sex, race, color, national origin, religion, creed, political affiliation or handicapped status except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration shall have the right to appeal directly to the County Manager. An employee, former employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action. The County Manager will advise the appealing party of his decision in writing within ten (10) calendar days after receipt of the appeal. The County Manager will advise the appealing party of his/her right of appeal to the Board of County Commissioners. Sexual harassment complaints shall be dealt with under the grievance and adverse action appeals procedure.

Section 5. Other Complaints

- A. This section applies to employee complaints regarding conditions of work, which are not subject to formal appeal to the Board of County Commissioners.
- B. Step 1.
 - 1. The complaint will be submitted in writing to the Department Head.
 - 2. The Department Head will make a decision and answer the grievance in writing within five (5) calendar days.
- C. Step 2.
 - 1. If the Department Head's decision is not satisfactory, the employee may submit the grievance in writing to the County Manager within ten (10) calendar days from the Department Head's response.
 - 2. The County Manager shall respond to the grievance in writing within fifteen (15) calendar days from receipt.
 - 3. The decision of the County Manager shall be final and non-appealable.

Section 6. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal and discrimination cases.

**ARTICLE X
EMPLOYEE BENEFITS**

Section 1. Insurance Benefits

- A. The County will provide individual hospitalization and group life insurance to all employees who are eligible for retirement benefits. Employees will be enrolled in the programs in accordance with the provisions of the insurance contracts.
- B. Payroll deductions are allowed, at the option of the employee, to provide hospitalization and group life insurance for dependents in accordance with the provisions of the insurance contracts.
- C. The County will make available group health insurance rates to any employee retiring from Greene County under the following conditions:
 - 1. The employee has at least five (5) years service with Greene County;
 - 2. The employee is retiring with unreduced benefits under the Local Government Employees Retirement System;
 - 3. Coverage lasts only until the employee reaches the age at which they are first eligible for coverage under the federal Medicare program;
 - 4. The employee pays all premiums to the County with no reminder notices being sent by the County.

Section 2. Unemployment Compensation

County employees who are laid off or dismissed from County service may apply for unemployment compensation through the local office of the Employment Security Commission. The Employment Security Commission determines eligibility for this benefit.

Section 3. Old Age and Survivor's Insurance

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

Section 4. Retirement Benefits

- A. Each employee with a regular appointment, working a minimum of 1,000 hours per year, will be enrolled in the Local Government Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.
- B. Law Enforcement Officers with a regular appointment, working a minimum of 1,000 hours per year, will be enrolled in the Law Enforcement Officers' Retirement System, rather than the Local Government Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.
- C. Law Enforcement Officers will receive additional retirement supplements as follows:
 - 1. The County will pay a special separation allowance to each law enforcement officer retiring from County service under the following policy guidelines.
 - a) To qualify for the special separation allowance, the retiring officer must meet the following criteria:
 - i. Completed thirty (30) or more years of creditable service or attained 55 years of age and completed five (5) or more years of creditable service;
 - ii. Not attained 62 years of age; and
 - iii. Completed at least five years of continuous service as a law enforcement officer immediately prior to service retirement.

NOTE: Creditable service is defined as service for which credit is allowed under the

retirement system of which the officer is a member, provided that at least 50% of the service is as a law enforcement officer.

- b) The separation allowance due to qualifying employees will cease when the retired officer reaches age sixty-two (62), dies, or is re-employed in any capacity by the County.
 - c) The amount of the annual separation allowance is calculated according to a formula as set forth by the State of North Carolina. This calculated annual allowance will be paid in twelve equal installments until the officer's entitlement ceases.
2. The County will contribute five percent (5%) of the officer's gross salary to the Supplemental Retirement Income Plan (State 401K Plan) which will be credited to the designated individual accounts of participating law enforcement officers.

Section 5. Death Benefit

County employees will receive a Death Benefit after one year as a contributing member of the Local Governmental Employees' Retirement System or the Law Enforcement Officers' Retirement System. The beneficiary of an eligible employee who dies while still in active service (while being paid salary) will receive a single lump sum payment. The payment equals the highest twelve (12) months' salary in a row during the twenty-four (24) months preceding the date of death, not to exceed \$20,000. This benefit is also paid if the employee dies within 180 days of the last day for which he/she was paid salary.

Section 6. Workers Compensation

- A. Workers compensation is provided by state statute to all County employees. It is regulated by the North Carolina Industrial Commission. Workers compensation provides for payment of medical expenses and two thirds of weekly loss earnings up to a maximum established yearly by the North Carolina Industrial Commission. The burden of proof is on the employee to establish as fact that he or she suffered an injury by accident that arose out of and in the course of County employment. Some occupational diseases are recognized as long as the disease is due to causes and conditions characteristic and peculiar to the employment, and the particular employment conditions must place the worker at greater risk than the general public of contracting the disease.
- B. It is the responsibility of the employee to immediately report to his or her supervisor, or Department Head, any injury or illness as described above. The Department Head is required to report this information immediately to the County Manager's Office. The workers compensation insurance administrator must approve all medical treatment. In case of an emergency, the employee should be transported immediately to the nearest emergency medical facility. The employee's supervisor or Department Head shall contact the emergency facility with instructions on submitting the medical records and charges directly to Greene County.
- C. It is the policy of Greene County to demand a drug test be performed immediately on any employee involved in an accident while on the job working for Greene County. Failure of the employee to consent to such test will result in disciplinary action, up to and including dismissal.
- D. It is the responsibility of the Department Head to immediately notify the Finance Office of an employee unable to return to work after an accident covered under worker's compensation, as a Personnel Action Form must be submitted placing the employee on leave without pay and reinstating the employee as appropriate.
- E. It is the responsibility of the Department Head to immediately notify the County Manager's Office so that a claim report may be filed with the insurance carrier.
- F. The Workers' Compensation Act provides that no compensation will be due to the injured employee for the first seven days away from work, unless this time exceeds twenty-one (21) days. Refer to Article VII Section 8 for policy guidelines regarding provisions for paid leave during the waiting period. No compensation will be paid for time away from work without authorization by the approved treating physician.

- G. Reimbursement for prescriptions will be issued only after the employee submits properly completed forms. No reimbursement will be made for travel to and from the doctor or hospital unless travel is beyond a ten (10) mile radius and the employee submits the request for reimbursement on the proper form. Applicable forms must be completed in full and returned to the County Manager's Office.
- H. Failure to cooperate with the approved treating physician can result in termination of benefits. When the treating physician releases an employee to work, no further workers compensation will be due.

**ARTICLE XI
PERSONNEL RECORDS AND REPORTS**

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the County Manager. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

Section 2. Information Available to the Public

The following information on each County employee is public record and may be released to anyone:

- A. Name;
- B. Age;
- C. Date of original employment or appointment to County service;
- D. Current position title;
- E. Current salary;
- F. Date and amount of most recent change in salary;
- G. Date or most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- H. Department to which the employee is currently assigned.

Section 3. Access to Personnel Records

As required by 153A-98 of the N.C. General Statutes, any person may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination and copying during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. The following provisions shall govern access to such information:

- A. All disclosures of records must be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
- B. Upon request, records of disclosure must be made available to the employee to whom it pertains;
- C. An individual examining a personnel record may copy any information deemed public record; any available photocopying facilities may be provided and reasonable fees may be assessed to the individual.
- D. Any person denied access to any record has a right to compel compliance with these provisions by application to a court for an order compelling compliance (writ of mandamus) or other appropriate relief.

Section 4. Confidential Information

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

- A. The employee or his duly authorized agency may examine all portions of his personnel file, except (1) letters of reference solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.

- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file, upon written and signed understanding of confidentiality.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the State or Federal government or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information may be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- F. An employee may sign a written release, to be placed with his/her personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release. Information will be released only as indicated in the written release signed by the employee.
- G. The Board of County Commissioners may determine in writing that the release of personnel information is essential to maintaining public confidence in the administration of county service or to maintaining the level and quality of county services. Upon such determination, release of information regarding employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination may be made public.
- H. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- I. Record of each disclosure will be made and placed in the employee's file (according to the previous section).

Section 5. Records of Former Employees

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

Section 6. Remedies of Employees Objecting to Material in File

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

**ARTICLE XII
IMPLEMENTATION OF POLICY**

Section 1. Conflicting Policies Repealed

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed. No provisions of this policy are retroactive.

Section 2. Separability

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