



Alexander County Personnel Policy

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ALEXANDER COUNTY PERSONNEL POLICY

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CHAPTER 1

ORGANIZATION OF THE PERSONNEL SYSTEM

SECTION 1. PURPOSE

To establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the County Manager, Elected Officials, Soil and Water Conservation Board, and Elections Board. These entities are the appointing authorities covered by this personnel policy. This policy is established under the authority of NCGS 153A, Article 5, and NCGS 126.

This policy can only be amended by action of the Board of Commissioners.

SECTION 2. APPLICATION

This personnel policy, rules, and regulations adopted pursuant thereto, is binding on all County employees, except as otherwise provided. An employee violating any provision is subject to disciplinary action, criminal, and/or civil action.

A) Employees of the Sheriff and Register of Deeds serve at the will of their elected officials. The Sheriff and Register of Deeds are subject to the provisions of this policy with the exception of their ability to hire and dismiss employees pursuant to state law.

B) The Director of Elections is subject to the provisions of this policy, with the exception of selection and termination pursuant to state law.

SECTION 3. RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS

The Board of Commissioners establish personnel policies and rules, including the classification and pay plan, benefits, and makes and confirms appointments as required by law.

SECTION 4. RESPONSIBILITIES OF THE COUNTY MANAGER

The County Manager is responsible to the Board of Commissioners for the administration and technical direction of the human resources program. The County Manager appoints, suspends, and removes all County employees, except those elected by the people or those whose appointment are otherwise provided for by law. The County Manager appoints, dismisses, and suspends in accordance with state statutes and County policies.

The County Manager may delegate human resources functions. The County Manager or designee maintains the position classification plan, the pay plan, and performs any additional duties related to the human resources program as required by the Board of Commissioners.

SECTION 5. DEPARTMENT RULES AND REGULATIONS

Due to specific operational requirements of various County departments, each department is authorized to establish supplemental rules and necessary regulations applicable only to the personnel of the respective department. All such rules and regulations are subject to approval of the County Manager and cannot conflict with state or federal laws, or County policies.

SECTION 6. DEFINITIONS

For the purposes of this policy, these words and phrases shall have the following meanings:

Adverse Action means an involuntary demotion, involuntary reduction in pay, involuntary transfer, suspension without pay, layoff, or termination.

Alcohol means the intoxicating agent in beverage alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Screen means a test for the presence of alcohol in the body determined by a breath alcohol test, evidential breathalyzer test, alcohol saliva strip test, or urine screen.

Anniversary Date means an employee's original date of uninterrupted employment with the county in a permanent position.

Applicant means a person who applies for a vacant position by completing and submitting an application for employment regardless of current employment status.

Appointing Authority means a County board or official with the legal authority to make hiring decisions.

Board of Commissioners means the Alexander County Board of Commissioners who is charged with the legislative affairs of the County.

Bonus Time means time earned on an hour-for-hour basis by an exempt employee for hours worked in excess of a 40-hour work week.

Class means a position or group of positions having similar duties and responsibilities, requiring similar qualifications, being properly designated by the same pay grade and range.

Compensatory Time means time earned at a rate of time-and-a-half by a non-exempt employee for each hour worked in excess of the standard 40-hour work week. Pursuant to federal law, the overtime threshold for law enforcement, 911 Communications, and Emergency Medical Services is 84 hours in a two-week period.

County means Alexander County.

Cost-of-Living Increase means an adjustment made by the Board of Commissioners to all pay ranges.

Demotion, involuntary means the reassignment of an employee to a position or a classification having a lower salary grade than the position or the classification from which the reassignment is made due to performance or conduct issues.

Demotion, voluntary means an employee requests a move to a position assigned at a lower grade, and the move is agreed upon between the employee and the supervisor.

Department Head means the lead administrative official or supervisor of a county government department.

Drug means a controlled substance listed in the Controlled Substances Act (21 USC 812), North Carolina General Statutes, or a metabolite thereof.

Drug Screen means a test for the presence of a controlled substance in the body determined by a urine screen.

Electronic Technology Resources includes, but are not limited to, host computers, file servers, routers, firewalls, switches, hubs, modems, workstations, standalone computers, laptops, printers, scanners, software, internal or external data communication networks, cell phones, and fax machines.

Eligible Employee means an employee who is in a permanent full-time or part-time with benefits position and eligible for benefits.

E-mail means the ability to compose and distribute messages, documents, files, software, or images by electronic means over a phone line or network connection, including internal and external e-mail and instant messaging systems.

Employee Requested Testing means the process by which an employee questions the results of a required test under this policy and may request the split sample be tested.

Essential Position means a position whose functions are vital to the County's continued operations, especially during emergencies or critical situations, and therefore require the employee to remain on duty.

Exempt Employee means an employee whose job duties and salary meet specific criteria, and not subject to the FLSA minimum wage and overtime pay requirements.

Full-Time Employee means an employee, appointed to an established position, who is regularly scheduled to work forty (40) hours or more per work week and is designated by the Board of Commissioners as full-time.

Grievance means an appeal from a disciplinary action, performance evaluation, or reduction in force.

Harassment means unwelcomed comments or conduct based upon race, sex, religion, sexual orientation, gender identity, genetic information, national origin, age, color, and/or disability. This term includes verbal, non-verbal, physical behaviors, and sexual harassment.

Hiring Rate means the salary paid an employee when hired into County service.

Immediate Family means an employee's spouse, mother, father, guardian, son, daughter, brother, sister, grandchild, and grandparent in loco parentis, as well as the various combinations of half, step, in-law, and persons living together in a close personal relationship, or as otherwise approved by the Department Head.

Internet means the worldwide network of computer servers through the use of special languages.

Lateral Transfer means the reassignment of an employee from one position to another, in the same department, and within the same pay grade.

Licensed Medical Practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, and local laws and/or regulations.

Maximum Pay Rate means the maximum pay authorized by the pay plan for an employee within an assigned pay range.

Medical Review Officer means a licensed physician responsible for receiving, reviewing, and evaluating lab results generated by an employer's substance abuse testing program.

NIDA means the National Institute of Drug Abuse recommended drug panel consisting of Amphetamines, Marijuana, Cocaine, Methamphetamines, Opiates, Phencyclidine and MDMA.

Network Resources include the hardware and software necessary to connect computers and resources into a communication system.

Non-Exempt Employee means an employee who works a minimum of 40 hours per work week, and is entitled to time-and-a-half rate for each hour worked in excess of the standard work week, under the Fair Labor Standards Act.

On-Duty means when an employee is at the workplace, performing job duties, on-call, or during any other period of time for which the employee is entitled to receive pay from the County.

Part-Time Employee means an employee appointed to an established position, for which the duties are regularly scheduled for an average of less than 30 hours per work week, paid on an hourly basis, and designated by the Board of Commissioners as a part-time employee.

Part-Time Position (Eligible) means a position for which the duties are regularly scheduled for an average of at least 30 hours but less than 40 hours per work week, paid on an hourly basis, and is designated by the Board of Commissioners as an eligible part-time employee. An eligible part-time position is eligible for holiday, annual, and sick leave on a pro-rated schedule. As of July 1, 2023, no new part-time eligible positions are approved.

Pay Grade means a range of pay rates assigned to all classes and positions which are sufficiently comparable to warrant one range of pay rates.

Pay Plan means a schedule of pay ranges arranged by sequential rates including minimum, intermediate, and maximum steps for each class assigned to a pay range.

Pay Plan Revision means the uniform raising or lowering of the pay ranges of every grade within the pay plan.

Pay Range means the minimum and maximum pay levels for a given classification for personnel pay action purposes.

Pay Range Revision means the raising or lowering of the pay range for one or more specific classes of positions within the classification plan.

Performance Evaluation means a tool intended to review an employee's performance.

Permanent Employee means an employee who completed the required probationary period and is approved for permanent status by the Department Head and the County Manager.

Position means a specific role within a department defined by current duties, responsibilities, authority, and reporting relationships.

Position Classification Plan means an approved plan by the Board of Commissioners assigning positions to the appropriate pay grade.

Post-Accident Screening means testing of employees involved in a motor vehicle accident or an incident requiring medical treatment from a licensed medical practitioner.

Pre-Employment Screening means testing a final candidate for a position as a part of a conditional offer of employment.

Prescription Drug means a legal drug with written prescription of use from a licensed medical practitioner.

Probationary Employee means an employee in a full or part-time position who has not yet successfully completed the designated probationary period.

Prior Service Credit means creditable service time with a former employer who actively contributes to the Local Government Employees' Retirement System (LGERS) or the Teachers' and State Employees' Retirement System (TSERS).

Promotion means the advancement from one position to another with a higher salary grade; or a change in employment status.

Random Test means testing of employees assigned to a safety sensitive position chosen by a method providing equal probability any employee from a group will be selected.

Reasonable Suspicion means documented observations of probable drug and/or alcohol use, including specific appearance, behavior, speech, odor, or other indicators.

Reclassification means the reassignment of an existing position from one class to another based on changes in job duties and requirements.

Reduction in Force means the abolishment of a position based upon the needs of the organization, workload, or availability of funding.

Retaliation means any form of adverse treatment in response to a lawful and protected action by an employee.

Safety Sensitive Position (DOT) means the activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration USDOT guidelines (49 CFR 382), as amended.

Safety Sensitive Position (County) means a position where an employee's performance could directly or indirectly cause a risk to their own safety or the safety of others. Safety sensitive functions are primary to the position and include, but are not limited to, exposure to chemicals and the operation and/or repair of vehicles and machinery.

Salary means the amount of pay for a given position and pay grade.

Seasonal Employee means an employee appointed to an established position, for which the duties are scheduled for less than 40 hours per work week, for a specific period during the year, paid on an hourly basis, and designated by the Board of Commissioners as a seasonal employee.

Software means the computer programs residing on any computer or electronic device, including equipment control systems and programs provided by the manufacturer, a vendor, or developed by in-house staff.

Temporary Employee means an individual appointed to serve in a position for a definite duration.

Temporary Position means a position for which the duties are regularly scheduled for less than 30 hours per work week, for less than 12 consecutive months with no benefits; or a position for which the duties are regularly scheduled for 12 consecutive months and eligible for benefits. Temporary positions may be classified as temporary full-time or temporary part-time.

Transfer means the reassignment of an employee from one position or department to another within the same employment status.

Volunteer means a person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without compensation for services provided.

CHAPTER 2 CLASSIFICATION PLAN

SECTION 1. PURPOSE

To provide a complete inventory of all authorized and permanent positions in the County service, and an accurate description and specification for each class of employment. To ensure its continuing value as a personnel management tool, the classification plan is maintained to reflect current work assignments and conditions or requirements which are factors in proper classification and allocation of regular positions.

SECTION 2. COMPOSITION

The classification plan consists of a group of positions in classes with similar working conditions which are similar in difficulty and responsibility with the same general qualifications; and equitably compensated within the same range of pay. The plan also includes class titles descriptive of the work of the class, written job descriptions for each position; and an allocation list indicating the title of each position.

SECTION 3. USE

The classification plan is used to recruit and examine applicants, assess lines of promotion, develop employee training programs, establish assigned salaries for various types of work, and provide uniform job terminology.

SECTION 4. ALLOCATION OF POSITIONS

The County Manager allocates each position to its appropriate class in the plan. The Human Resources Director is responsible for researching and forwarding recommendations to the County Manager regarding the allocation of new positions.

Department Heads are responsible for notifying the County Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions which affect the classification of a position.

New positions are established based on a recommendation by the County Manager with the approval of the Board of Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the County Manager finds a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager will (1) direct the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend the Board of Commissioners amend the position classification plan to establish a new class to allocate the position.

The Board of Commissioners add and delete the classes of positions from the position classification plan based on recommendations by the County Manager.

SECTION 5. RECLASSIFICATION

Any employee who regards their classification as improper must submit a written request for reclassification to their immediate supervisor. Upon receipt of a request, the Human Resources Director makes a recommendation to the County Manager. The County Manager determines the merit of the request and makes necessary changes to maintain a fair and accurate classification plan.

CHAPTER 3 PAY PLAN

SECTION 1. PURPOSE

The pay plan includes the Salary Schedule and the assignment of classes to salary grades and ranges adopted by the Board of Commissioners. Salary increases within the pay range are based on criteria established by the County Manager and approved by the Board of Commissioners.

SECTION 2. ADMINISTRATION AND MAINTENANCE

The County Manager is responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan must be paid at a rate listed within the assigned classification.

SECTION 3. SALARIES

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, when considered in relation to each other and to general rates of pay for similar employment in the private and public sector in the area, to changes in the cost of living, the County's financial condition, and other factors. The County Manager, from time to time, makes comparative studies of all factors affecting the level of pay ranges and recommends to the Board of Commissioners changes in pay ranges as appropriate. The County Manager may approve in-range adjustments to employee salaries when necessary to accommodate inequities, special performance or achievements, or other reasons.

The pay plan is administered in a fair and systematic manner in accordance with work performed. The pay structure is competitive, maintain proper internal relationships among all positions based on relative duties and responsibilities, and recognizes performance as the basis for pay increases within the established pay range.

SECTION 4. HIRING RATE ADJUSTMENTS

An adjustment in the hiring salary is based on factors such as exceptional education and experience qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the minimum step. Pay for part-time or temporary status is paid determined by converting the established salary range to an hourly rate.

SECTION 5. PROBATIONARY PAY INCREASE

Employees on probation are not eligible for pay increases until the probationary period is complete, except for across-the-board adjustments to each step and grade. Employees hired at Step 2 and above do not receive an increase at the end of the probationary period. A salary increase following successful completion of the probationary period is at the discretion of the County Manager and subject to budget approval.

SECTION 6. PAYMENT AT A LISTED RATE

Employees covered by the pay plan are paid at a listed rate within the pay range established for the respective job class.

When an employee reaches the maximum rate of a pay range for their present position, they cannot receive a pay increase unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher pay range, (3) the pay range for the present position is increased, or (4) the employee is eligible for a performance increase.

SECTION 7. OVERTIME PAY PROVISIONS

The County abides by the Fair Labor Standards Act, as revised. The Human Resources Director, under the direction of the County Manager, determines which positions are "exempt" or "non-exempt" and therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. Employees must accurately record all hours worked and the County maintains records of overtime accrued for each covered employee.

A) Non-Exempt Employees

Non-exempt employees are paid at a straight time rate for hours worked up to the FLSA established limit for their position. Employees may be requested or be required to work overtime hours as necessitated by the needs of the County and determined by the supervisor.

Non-Exempt employees are expected to work during all assigned periods, exclusive of breaks or mealtimes. Employees are not to perform work at any time they are not scheduled to work, unless they receive prior approval from their immediate supervisor or in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency must advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

In determining eligibility for overtime or compensatory time in a work period, only hours actually worked are considered. Other types of leave cannot be included in the computation of hours worked for FLSA purposes, overtime, or compensatory time.

Hours Worked. Earned overtime hours will be compensated at time-and-a-half as required by federal law. It is the policy of the County, in agreement with its employees, that non-exempt employees who work in excess of the standard 40-hour week receive compensatory time off at a rate of one-and-one-half hours for each hour of overtime worked. When an employee has worked less than a 40-hour week due to holidays, vacation, etc., the employee will be granted compensatory time on an hour-for-hour basis for time worked in addition to the standard remaining workweek.

When it is in the best interest of the County, and has been approved by the County Manager, employees may be paid at a rate of one-and-one-half hours their regular hourly rate for overtime worked in lieu of compensatory time. Certain positions designated with a fluctuating workweek schedule will be paid at overtime rates pursuant to federal law.

Non-exempt employees who work in public safety, emergency response, or seasonal positions, may accrue no more than 480 hours of compensatory time for overtime hours. Other non-exempt employees may accrue up to 240 hours of compensatory time. Overtime must be approved in advance by the Department Head. Compensatory time over the maximum of 240 and 480 hours will be paid as overtime at the employee's current hourly rate. Upon separation, accrued compensatory time will be paid at the current hourly rate.

Employees wishing to use accrued compensatory time must make a request to their immediate supervisor. Use of such time is allowed within a reasonable period following the request as long as the use

does not unduly disrupt the operations of the County. Accrued compensatory time must be used before annual leave or sick leave is granted.

If a non-exempt employee is reclassified as exempt, any accrued compensatory time must be paid out before the reclassification effective date.

B) Exempt Employees

Employees exempt from overtime compensation are defined in accordance with the Fair Labor Standards Act. Examples of exempt employees include the County Manager, qualified department heads, executive or administrative assistants, data processing analysts, registered nurses, or other learned professionals.

Employees in positions determined to be exempt do not receive pay for hours worked in excess of their normal work periods. These employees may be granted bonus leave on an hour-for-hour basis by their supervisor where the convenience of the department allows and in accordance with procedures established by the County Manager. Bonus time may be accrued by exempt personnel for hours earned over 40 hours per week, up to a maximum of 40 hours. During times that exempt personnel are required to work unusual and extraordinary hours, the County Manager may grant additional bonus hours. Bonus time accrued by exempt personnel is not guaranteed to be taken and ends without compensation upon separation from the County.

SECTION 8. LONGEVITY PAY

Full-time and eligible part-time employees are compensated for continuous years of service with Alexander County by payment of a longevity supplement after five years starting at 1.5% of their annual gross pay on their anniversary date and increasing a tenth of a percentage for each additional year of service. The years of service and percentage of salary received progress to the maximum of 4% after 30 years of service. (Example: 6 years = 1.6%, 7 years = 1.7%, 8 years = 1.8%, etc.) An employee who leaves County service for any reason, starts over if they return to County employment. For the purposes of calculating longevity upon retirement, the employee receives a prorated amount based upon their anniversary date (date of permanent, continuous full-time hire) and their date of retirement.

SECTION 9. CALL BACK AND STAND-BY PAY

Certain employees are required to respond to reasonable requests for duty at any hour of the day or night. One of the conditions of employment with the County is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee is subject to disciplinary action up to and including termination.

Call-back. Non-exempt employees are guaranteed a minimum payment of one hour of wages for being called back to work outside of normal working hours when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled at least one day in advance).

Stand-by. Non-exempt employees' pay for stand-by time may be included in their regularly bi-weekly rate of pay. When an employee reports for duty while on stand-by time, compensation pay or

compensatory time is earned for any hours physically worked over (40) forty hours in a given workweek. Overtime pay begins when the employee leaves the destination until they return from the destination.

Upon approval from the County Manager, the Sheriff's Office may adjust the payment plan for stand-by pay to suit the needs of the department.

SECTION 10. ACCEPTABLE PAYROLL DEDUCTIONS OR REDUCTIONS

Federal and state income taxes, Social Security tax, garnishments, and retirement contributions are deducted as authorized by law and the Board of Commissioners. The County Manager must approve any other payroll deductions.

SECTION 11. SUSPENSIONS WITHOUT PAY FOR SERIOUS WORKPLACE MISCONDUCT

Any employee may be suspended without pay for violating workplace conduct rules committed on or off-site. Workplace misconduct which is serious, disruptive, harmful, and is of a similar level as the examples provided below, will result in disciplinary suspension without pay for at least one full day:

- A) Unlawful harassment, including unsolicited and unwelcome speech or conduct based upon race, sex, religion, sexual orientation, gender identity, genetic information, national origin, age, color, and/or disability.
- B) Threatening, enticing, encouraging, or committing workplace violence, including physical assault, altercation, intimidation, or making another individual fear physical harm to self or property.
- C) Theft, sabotage, or vandalism of property, including intellectual property belonging to the employer or an employee.
- D) Violation of Chapter 10 – Substance Abuse.
- E) Convictions of state or federal laws, other than minor traffic violations.
- F) Grossly inefficient job performance and unacceptable personal conduct as defined in this policy.

SECTION 12. EMERGENCY CONDITIONS

A) Non-Exempt Employees. In emergency situations, non-exempt employees are compensated at their usual overtime rate of time-and-one-half hours worked in excess of forty (40) hours per week and double time for hours worked on weekends and holidays. Employees in public safety positions are paid regular pay for hours worked.

B) Exempt Employees. In emergency situations, exempt employees required to work extended hours during an emergency, the County compensates for hours worked over and above the regular workweek on an hour-for-hour basis.

CHAPTER 4 RECRUITMENT AND SELECTION

SECTION 1. STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY

All appointments are made on the basis of merit. No employee or applicant for County employment shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of

an individual's race, sex, religion, sexual orientation, gender identity, genetic information, national origin, age, color, and/or disability.

The County is an equal opportunity employer and aims to attract the most qualified applicants for employment. Position vacancies are publicly posted and all applicants are evaluated on the same criteria. Selection decisions are made on the basis of the applicant's qualifications for the position.

All positions requiring the same duties and responsibilities are assigned to the same salary grade.

SECTION 2. RECRUITMENT

The County Manager is responsible for an active recruitment program to meet current and projected needs using procedures to assure equal employment opportunities based on job-related requirements. With approval from the Board of Commissioners, the County Manager may offer prospective employee incentives which do not result in an undue financial strain upon the County.

SECTION 3. POSITION VACANCY ANNOUNCEMENTS

When position vacancies occur, the Human Resources Department publicizes the opportunities for employment, including a position description, salary range, qualifications, and application process. Vacancies are announced through several sources, as applicable, with the goal of creating a quality and diverse pool of applicants.

In some situations, because of emergency conditions, high turnover, etc., the County may hire or promote without advertising positions, upon approval of the County Manager.

SECTION 4. QUALIFICATION STANDARDS

All applicants considered for employment or promotion must meet the qualification standards established by the assigned class specification. The minimum employment age for full-time and part-time positions is 18 years of age. Law enforcement officers must be at least 20 years of age.

SECTION 5. SELECTION

Administration develops, uses, and documents a consistent selection process which best suits the County's needs in filling positions. Department Heads conduct investigations and examinations as necessary to accurately assess the knowledge, skills, and experience qualifications required for the position. All selection methods administered must be job related and consistent with business necessity.

SECTION 6. APPOINTMENTS

The Sheriff, Register of Deeds, and Board of Elections have authority over appointments in their respective departments, with the County Manager determining the class and salary of new employees pursuant to state law. The Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin, or of a person who has been convicted of a crime involving moral turpitude. The Board is not required to approve the reappointment or

continued appointment of a near relative who was not related to the Sheriff or Register of Deeds at the time of initial appointment.

All other positions are reviewed and recommended for approval or disapproval by the Human Resources Director; then final approval or disapproval by the County Manager.

SECTION 7. CONDITIONAL OFFER

The County makes a conditional offer of employment to the applicant deemed to possess the skills and experience, cultural alignment, and interest in the role.

The applicant is notified of the selection and a conditional offer of employment is made by Human Resources. All positions, regardless of status, are required to complete a conditional offer. The County reserves the right to consider all results and withdraw an offer of conditional employment at any time. New employees cannot begin work until the pre-employment screenings are complete, evaluated, and approved by Human Resources.

Human Resources, under the direction and final authority of the County Manager, evaluates pre-employment screenings within the guidelines below:

A) Criminal Background Check. All final candidates must provide necessary personal identification and/or fingerprinting so a thorough search may be made of local, state, and/or national records to determine if the applicant has a history of criminal convictions or listed on offender registries. Refusal to sign the disclosure authorization statement results in withdrawal of the conditional offer.

Disqualifying information is identified based upon the nature of the convictions versus the essential functions of the job and associated risks, dates of convictions, and the candidate's record since the date of conviction. Based on the severity of the convictions, offenses seven years or older may be eliminated from the disqualification criteria.

If the position requires the candidate to work with children in any capacity, the candidate is subjected to a criminal history record check conducted by the State Bureau of Investigation in accordance with NCGS 143B-1209.26.

B) Drug and Alcohol Screening. A negative drug and alcohol test result is mandatory. Failure to comply with the testing procedure or a positive result from a pre-employment drug and alcohol test disqualifies an applicant for being considered for any position for a period of one year.

C) Pre-Employment Physical. Physicals are completed by evaluating the physical requirements and essential job functions of the position in relation to the candidate's abilities. A current employee being promoted, transferred, or demoted must also meet this requirement if the position involves a change in physical requirements to perform the position.

D) Other. Employment with the County may require additional tests or investigations as determined by the requirements of position being filled. These tests or investigations may include credit checks, educational degree verification, and fingerprinting by the State Bureau of Investigations. All employees are required to furnish proof of US citizenship or other required documents indicating a legal right to work in the United States.

SECTION 8. PROBATIONARY PERIOD

An employee who is appointed, promoted, demoted, or transferred to a position serves a probationary period of six months. Any employee serving in a probationary period may be dismissed, without right of appeal, for job deficiencies or inappropriate personal conduct.

During the probationary period, supervisors must monitor an employee's performance and communicate with the employee about performance progress. Before the end of the probationary period, the supervisor determines whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and weaknesses) is discussed with the employee and a summary of the discussion should be documented in the employee's performance evaluation file. The supervisor shall recommend in writing whether the probationary period should be completed or the employee transferred, demoted, or dismissed.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee is dismissed.

Following successful completion of the probationary period, the employee can only be dismissed in accordance with this policy.

SECTION 9. PROMOTION

Candidates for promotion are chosen on the basis of their qualifications and work records. Candidates must apply for a promotion using the same application process as external candidates.

SECTION 10. DEMOTION

An employee whose work is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position. A demotion must be made in accordance with the procedures in this policy. The employee shall be provided with written notice citing the recommended effective date of the demotion, reasons for the demotion, and appeal rights available to the employee as stated in this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. Employees must apply for demotions using the same application process as external candidates. A voluntary demotion is not a disciplinary action.

SECTION 11. TRANSFER

If a vacancy occurs and an employee from another department wishes to be considered for the appointment, an application must be submitted during the recruitment period for the position. All normal conditions of recruitment apply.

A Department Head wishing to transfer an employee to a different department or position must make a recommendation to the County Manager. An employee transferred without requesting it may appeal the

action in accordance with the grievance procedure in this policy. Department Heads may recommend lateral reassignments within their department in lieu of posting a vacant position.

For the purposes of transferring employment, this applies to positions of equivalent employment status and does not include adjustment from full-time to part-time, temporary, seasonal, or any other transition.

CHAPTER 5 CONDITIONS OF EMPLOYMENT

SECTION 1. WORK WEEK

Department Heads work hours necessary to ensure the satisfactory performance of their departments, but not less than 40 hours per week. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule. Employees are expected to work during all assigned periods, exclusive of mealtimes, and are required to report a true and accurate record of hours worked.

SECTION 2. GIFTS AND FAVORS

Receiving or giving gifts or favors is prohibited except as permitted by state law. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to any other citizen. All gifts received from a vendor doing business with the County must be reported to the County Manager. Pursuant to N.C.G.S. 133-32, the following are permitted:

- A) The gift and receipt of honorariums for meeting participation.
- B) Advertising items, souvenirs, or meals furnished at banquets or conferences.

SECTION 3. POLITICAL ACTIVITY RESTRICTED

While on duty, Alexander County employees are prohibited from:

- A) Engaging in any political or partisan activity;
- B) Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- C) Being required as a duty of employment or as a condition of employment, promotion, or tenure of office, to contribute funds for political or partisan purposes;
- D) Coercing or compelling contributions for political or partisan purposes by another employee;
- E) Using County funds, supplies, equipment, or communications equipment including internet and email, for political or partisan purposes; or
- F) Filing for Public Office. Filing for public office means an employee is seeking a political office and shall be recognized as a candidate when the employee:
 - 1) Forms a fundraising committee or campaign committee; or
 - 2) Announces an intent to become a candidate through the media or mail system; or
 - 3) Files an official document, such as a notice of candidacy, with a Board of Elections.
 - 4) Employees subject to the Hatch Act may not be candidates for an elected office in a partisan election.

Any violation of this section shall be deemed improper conduct and subject the employee to disciplinary action up to and including termination.

SECTION 4. EXPECTATION OF ETHICAL CONDUCT

The proper operation of County government requires public officials and employees to be independent, impartial, and responsible to the people; governmental decisions and policy made in the proper channels of the governmental structure; public office not used for personal gain; and the public to have confidence in the integrity of its government. As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.

SECTION 5. CONFIDENTIAL INFORMATION

No employee, contract employee, consultant, or elected official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation related matters, or other affairs of the County which are protected under state or federal law.

No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity with ownership interest, a financial or personal interest of a family member, or any other private or political interest.

SECTION 6. WORKPLACE HARASSMENT

The County opposes harassment by employees in any form and has a zero-tolerance policy related to communication of threats, harassment, assaults, or other forms of inappropriate or illegal behavior. Harassment is unsolicited and unwelcome verbal or physical conduct which disparages, shows hostility, or aversion towards an individual because of their race, color, religion, gender, sexual orientation, national origin, genetic information, age, or disability; or their relatives, friends, or associates.

Any employee who believes they have a complaint of harassment or retaliation may file a complaint in accordance with this policy. Employees witnessing harassment shall also report such conduct to an appropriate County official.

SECTION 7. SECONDARY EMPLOYMENT

Employment with the County takes priority over other employment interests. All outside employment for salaries, wages, or commission and all self-employment must be requested in writing and in advance to the employee's Department Head. The Department Head will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service, and makes a recommendation. The request for secondary employment must be forwarded to the Human Resources Department and the County Manager for review and consideration. Outside employment, without prior written approval by the County, is improper conduct and subjects the employee to disciplinary action up to and including termination.

SECTION 8. LIMITATION ON EMPLOYMENT OF RELATIVES

Employment of any person into a permanent position who is an immediate family member of the Board of Commissioners or County Attorney is subject to the County Manager's approval. The Board of

Commissioners review an appointment of an immediate family member to the County Manager. Otherwise, the County considers employing family members under the following provisions:

The employment of relatives within the same department at the same time is prohibited if employment would result in one supervising a member of their immediate family, or where one member occupies a position with influence over the other's employment, promotion, pay administration, or other related management and personnel considerations. Exceptions may be granted, as needed, in order to retain current employees or unless significant recruitment difficulties exist. In this circumstance, the supervisor cannot conduct a performance evaluation or administer disciplinary action with the related employee; and the initial review must be forwarded to the County Attorney.

SECTION 9. TRAVEL EXPENSE AND REIMBURSEMENT

Guidelines for travel authorization, types of travel, and reimbursement are outlined below. Failure to comply with this section may result in disciplinary action up to and including termination and/or personal liability for incurred expenses. Approval of travel is at the discretion of the Department Head and reviewed for compliance with budgetary constraints.

A) General Procedures.

1) Travel for business outside of the County must be in writing and authorized by the employee's supervisor and approved by the Department Head prior to travel.

2) The written request for travel must include the purpose of the proposed trip, estimated mileage to the venue, venue name along with the city/state, and number of work days the employee will be out of the office.

3) Travel reimbursement requests are preferred, however, a travel advance request may be submitted when estimated total costs are equal to or exceed \$150.00.

4) A copy of the meeting or conference agenda must be attached to the travel advance or reimbursement request is submitted for payment.

5) County vehicles can only be used for County business and must not be used for personal purposes. Individuals who are not County employees cannot drive or ride in County vehicles.

B) Overnight Lodging. The employee must obtain prior written approval by the Department Head or designee for overnight stays. Overnight lodging may only be authorized for business needs and destinations which are equal to or exceed 90 miles from the physical address of the employee's workplace to the final travel destination utilizing the most direct route. Workplace is defined as the County office or property location where the employee is assigned. Employees must seek government/conference rates or the lowest rate available. Itemized receipts are required for all reimbursement requests.

C) Meals. Reimbursement for meals, in connection with required County business or training events, is on a per-meal basis. Taxes and tip are included in the maximum allowable amount. Itemized receipts are required for all reimbursement requests. Meals are based on actual costs with the following maximum amounts:

Breakfast = \$12.00

Lunch = \$20.00

Dinner = \$30.00

1) Overnight Stays. Meals potentially eligible for reimbursement on the first and last travel days of overnight trips include lunch and dinner for the first day of travel; breakfast and lunch for the

return day of travel, unless provided by the conference or training host. Meal reimbursement depends upon conference start time and the time needed to travel to the destination.

2) Day Trips. A minimum travel time of five hours is required for meal reimbursement. The employee must indicate time of departure and return on the reimbursement form. Travel time and the reimbursement of meals apply as follows:

Breakfast:	Leaving before 6am – End by 11am
Lunch:	Leaving before 11am – End by 4pm
Dinner:	Leaving after 4pm

D) Mileage. County employees, traveling on official County business in a personal vehicle, are reimbursed for mileage at the current Internal Revenue Service (IRS) rate. No reimbursement is made for the use of a personal vehicle in commuting from an employee’s residence to their office. In addition, mileage is calculated from the employee’s workplace to the final travel destination. Employees who receive a monthly travel allowance are not eligible for mileage reimbursement for in-state travel.

E) Travel by Other Methods. Travel via airplane, rail, or bus is limited to actual coach fare, and requires a receipt. Reimbursement for cabs or for-hire vehicles is allowed with a receipt.

F) Incidental Expenses. Associated costs such as parking fees, tolls, taxi and ride-share charges, when necessary for the travel, may be submitted for reimbursement with supporting documentation. The use of toll lanes should be limited and utilized when the toll route is the only option available.

G) Non-Reimbursable Expenses. Items which are not reimbursable include, but are not limited to:

- 1) Meals included in the meeting or conference registration.
- 2) Souvenirs, movie rental fees, or other recreational costs.
- 3) Personal items such as snacks, tobacco products, alcoholic beverages, clothing, medicine, traffic violations/fines, or parking tickets.
- 4) Expenses not supported by an itemized receipt.
- 5) Items purchased or expenses incurred during travel between the employee’s destination and their assigned workplace; or within Alexander County.

SECTION 10. USE OF COUNTY TIME, EQUIPMENT, SUPPLIES, AND VEHICLES

County supplies and equipment must be used exclusively for County business. Use of County time, supplies, or equipment for personal or other purposes, not related to the employee's County duties and responsibilities, is prohibited and subjects the employee to disciplinary action, up to and including termination.

All employees who use County vehicles are required to follow applicable motor vehicle and safety requirements. Employees must complete the County’s defensive driving class. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including, termination.

SECTION 11. EMPLOYEE WORK CLOTHING

Subject to available funds, the County Manager is authorized to purchase special work attire for employees in all cases where, in their judgment, working conditions requires it for the reasonable protection or identification of the employee. Clothing may include coats, jackets, hats, shirts, or other related items as the County Manager deems necessary.

SECTION 12. PERFORMANCE EVALUATION

Supervisors and/or Department Heads must conduct probationary and annual performance evaluation conferences with each employee. The performance evaluations must be in writing and placed in the Alexander County employee performance evaluation file. Procedures for the performance evaluation program are outlined in the Performance Evaluation Policy.

SECTION 13. SAFETY

Safety is the responsibility of all employees. The County provides a safety program including safety practices, precautions, and training which varies based on positions. Employees must comply with all safety laws, ordinances, and regulations.

All members of management must cooperate and take an active part in the risk control program, which includes:

- A safety committee, to assure a continuing and improving program for accident prevention;
- Safety education and training for all employees, including publication of safety rules and procedures necessary to control accidents;
- Safety education and training specific to each department;
- Safety inspections to detect hazards, unsafe working conditions, or procedures; and
- Thorough investigation of accidents, and when necessary, taking corrective action.

Employees are expected to follow safety rules and regulations, report unsafe conditions or acts, report injuries and damage promptly, and participate in safety training. Employees who willfully violate safety rules or engage in unsafe practices are subject to disciplinary action up to and including termination. Supervisors who fail to enforce safety rules and proper equipment use are subject to disciplinary action up to and including termination. Rules and regulations are specified in the Alexander County Safety Policy.

SECTION 14. SUBSTANCE ABUSE

The County is firmly committed to maintaining a drug and alcohol-free work environment in order to ensure the safety and welfare of the general public and all County employees; and to ensure an efficient and effective workforce. The County Manager has the authority to establish, administer, and enforce substance abuse processes and procedures in this policy.

SECTION 15. ORGANIZATIONAL STRUCTURE

In each department there is a reporting structure which provides a leadership framework from front-line staff to supervisors, Department Heads, and the County Manager. The system is designed to ensure smooth communication in operations, decision-making, and accountability.

All employees are required to follow the established structure for their assigned department beginning with their immediate supervisor. If the issue remains unresolved, the employee may forward their concern to the next level.

SECTION 16. EMPLOYEE REPORTING REQUIREMENTS

All employees are required to report criminal charges and/or convictions to their Department Head and Human Resources, in writing, within 48 hours. If verbal notice is given, the employee must provide a written statement within 48 hours. Minor citations such as expired license plates, warning tickets, parking tickets, improper equipment, or other non-moving violations are excluded. Employees who fail to report such charges/convictions are subject to disciplinary action up to and including termination. Charges/Convictions reported are evaluated in comparison with the essential job functions to determine continued employment or disciplinary action.

The County has the right to perform criminal background checks on a current employee for reasonable cause.

CHAPTER 6 LEAVE TYPES

SECTION 1. ELIGIBILITY

The benefits provided in this Chapter apply to employees in full-time and part-time with benefit budgeted positions.

SECTION 2. CALENDAR YEAR

For the purpose of earning and accruing leave, the 12-month calendar period between January 1 and December 31 is established as the leave year.

SECTION 3. HOLIDAYS

The County provides 12 paid holidays to eligible employees including New Year's Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), and Christmas (3 days). Days observed for Christmas follow NC state government holidays.

All eligible employees appointed to a permanently established position, receive eight hours of paid time off or eight hours of holiday pay. All eligible part-time employees with benefits shall receive prorated holiday pay.

A) Other Religious Holidays. Employees may wish to be away from work on certain days for bona fide religious observances. Department Heads should arrange the work schedule so an employee may be granted annual leave when it is requested because the day is a religious observance for the employee. Appropriate leave should be denied only when it would adversely affect County services.

B) Unpaid Exception. The County Manager has the authority to declare an unpaid day as part of a budget required furlough.

- C) Use During Other Leave. Employees are entitled to holiday leave for a holiday that may occur during other leave periods.
- D) Working Holidays.
 - 1) Non-exempt employees required to work on regularly scheduled holidays will receive holiday pay and are granted compensatory time at an hour-for-hour rate for each hour worked on the holiday. Any hours actually worked over 40 in a seven-day period are at time-and-a-half.
 - 2) Full-time employees who are required to work on a holiday, may be granted floating holidays or may be granted eight hours of holiday pay due to budgetary constraints.
 - 3) An exempt employee required to work on a regularly scheduled holiday receives bonus time at an hour-for-hour rate for each hour worked.
 - 4) Any additional pay for holiday hours worked is at the discretion of the County Manager.

SECTION 4. ANNUAL LEAVE

Annual leave is also referred to as vacation leave. Any compensatory or bonus time earned by an employee must be used prior to using annual leave.

- A) Eligibility and Earning Rate. Each employee occupying a regularly established benefit eligible position earns annual leave on a monthly basis in accordance with the following schedule:

HOURS EARNED PER MONTH

Years of Service	8hr Employee	12hr Employee	24hr (EMS) Employee
Less than 2	8 hours	10 hours	12 hours
2 to 5	9.5	11.5	13.5
5 to 10	11.5	13.5	15.5
10 to 15	13.5	15.5	17.5
15 to 20	15.5	17.5	19.5
20 to 25	17.5	19.5	21.5
25 to 30	19.5	21.5	23.5
30+	21.5	23.5	25.5

Employees hired on or before the 15th of each month are eligible for a full accrual for the month hired. Employees hired after the 15th begin accruals the month following their hire date.

- B) Procedure. Prior approval from the employee’s supervisor and Department Head is required. In approving requests, the Department Head is responsible for ensuring the level of service is not disrupted.
- C) Maximum Amount. Annual leave accruals in excess of 240 hours transfer automatically to sick leave on December 31 of each year or to LGERS upon retirement.
- D) Absence from Work. An employee who is absent from work for three consecutive workdays without reporting to their supervisor is deemed separated from employment without notice, and is ineligible for payment of accumulated annual leave.

E) Payment Upon Separation of Employment.

1) Voluntary. An employee is paid for their annual leave balance to the date of separation, up to 240 hours, provided notice is given to the supervisor in accordance with this policy and the employee resigns in good standing. Any employee failing to give the required notice forfeits payment.

2) Involuntary. An employee who resigns pending disciplinary action or involuntary separation forfeits payment.

3) The notice requirement may be waived by the Department Head when deemed to be in the best interest of the County.

F) Payment Upon Death. Compensation for accumulated leave is paid to the employee's estate up to 240 hours.

SECTION 5. SICK LEAVE

A) Sick leave is granted for the benefit of an employee when sick or for other medical needs. Employees may be granted sick leave due to the following:

1) Sickness, medical appointments, or bodily injury of the employee preventing the performance of duties.

2) Illness in the employee's immediate family which requires care from the employee; or a death in the employee's immediate family.

3) Exposure to a contagious disease when continuing work might jeopardize the health of others.

4) To supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining salary, except employees may not exceed their regular salary amount using this provision.

5) Qualifying FMLA events.

B) Manner of Taking. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or no later than one (1) hour after the beginning of a scheduled workday when possible. Sick leave may only be taken with the approval of the immediate supervisor. Failure to notify and obtain approval appropriately may result in disciplinary action up to and including termination. Three consecutive days of absences without proper notification to the Department Head or Supervisor is deemed a voluntary resignation.

Abuse of leave privileges is prohibited. Claiming sick leave under false pretenses to obtain a day off with pay or for non-medical reasons subjects the employee to disciplinary action up to and including termination.

C) Earning Rate. Each employee occupying a regularly established benefit eligible position earns sick leave on a monthly basis, at the rate of eight hours per calendar month. Employees in 24-hour EMS positions earn eleven hours per month. There is no limit to the accumulation of sick leave.

D) Medical Certification. The Department Head, Human Resources Director, or County Manager may require medical certification from the employee's physician or licensed medical practitioner for verification of a medical appointment, for each occasion which an employee uses sick leave, or whenever the Department Head, Human Resources Director, or County Manager observes a pattern of absenteeism. The certification must contain:

1) The employee's name, date of the appointment or period of leave, the employee's capacity to resume duties, and to perform the essential functions of their position.

2) The certification must be on physician or medical office letterhead and signed by the licensed medical practitioner.

3) Upon return to work, the Human Resources Director, under the direction of the County Manager, may require a physical and/or mental examination, at the County's expense. The employee may be required, as the Human Resources Director deems necessary, to submit to such medical examination or inquiry.

E) Transfer from Other Governmental Agencies. Employees are allowed to transfer the balance of sick leave from a former employer under the following conditions:

1) The former employer(s) are (were) a member of the NC State Retirement System or Local Government Employee's Retirement System.

2) The transfer must be completed within five years from the date of separation with the previous employer.

F) Upon Separation of Employment. All accrued sick leave by an employee terminates without compensation when the employee separates from the County. If the sick leave balance is not transferred to another entity within five years, the balance will be removed from the system.

SECTION 6. ADVERSE CONDITIONS LEAVE

County departments remain open for their respective scheduled workday unless authorized for a delayed opening, early closing, or a full day closure is authorized by of the County Manager.

A) Eligibility. Eligible employees receive adverse conditions leave under the circumstances listed in this section. Part-time no benefit and seasonal/temporary employees do not receive adverse conditions leave.

1) Employees assigned to essential positions are not subject to this section, and consequently, receive straight time for hours worked during a scheduled delay/closing.

2) On-call and exempt employees may be required to report for work during the adverse conditions leave, as required by the County Manager or Department Head.

B) Use of Leave.

1) An employee does not receive adverse conditions leave when reporting to work before the delayed opening or working past the announced closing time. For example, if the office opening is delayed for two hours and the employee reports to work within one hour, the employee only receives one hour of adverse weather leave.

2) An employee does not earn compensatory time for adverse conditions leave.

3) If an employee does not report to work when departments are operating on a delay or early closing, they are required to use accrued leave for the entire workday.

4) An employee is required to use accrued leave for the balance of time from the announced delay and when the employee reports to work.

5) An employee who works from home does not receive adverse conditions leave.

SECTION 7. BEREAVEMENT LEAVE

A full-time employee receives three work days of bereavement leave and an eligible part-time employee receives a pro-rated equivalent to grieve the loss of an immediate family member, subject to the following:

- A) Bereavement leave cannot be used for more than the scheduled workday and the use of leave cannot cause the total number of hours to exceed the scheduled workweek.
- B) Bereavement leave does not accumulate, roll-over to sick leave, nor is it paid out upon separation of employment.
- C) Documentation may be required.
- D) Additional time off for the loss of an immediate family member, or to grieve the loss of an individual not covered in the definition of immediate family, may be requested. Such leave must be approved by the Department Head and the employee must use accrued leave.
- E) When possible, the employee should notify their supervisor of the need to use leave with a 48-hour notice.
- F) The employee is expected to return to work from bereavement leave as scheduled. If an employee is unable to return as expected, the employee must notify their supervisor immediately. Failure to return to work as scheduled with no notice to the supervisor may result in disciplinary action, up to and including termination.

SECTION 8. COMMUNITY INVOLVEMENT LEAVE

On January 1 of each year, full-time employees are granted eight hours paid leave time to complete community service activities. Eligible part-time employees are granted with a prorated percentage. Community involvement leave expires at the end of each calendar year; and does not accumulate or roll over to other leave. Employees are not paid for unused community involvement leave upon separation of employment.

- A) Eligibility.
 - 1) Meet with a teacher or administrator of any school, college, or childcare program concerning the employee's children, stepchildren, foster children, or grandchildren.
 - 2) Attend a function sponsored by the school or childcare program in which the child(ren) is participating. Sporting events are not included in acceptable community involvement functions.
 - 3) Perform volunteer work at a school approved by a teacher, school, or program administrator.
 - 4) Perform volunteer activity for a charitable organization.
- B) Manner of Taking.
 - 1) The immediate supervisor must approve use of community involvement leave prior to use.
 - 2) Department Heads may require evidence they attended the activity.
 - 3) Employees cannot volunteer in the same type of service for which the person is employed per FLSA regulations.
 - 4) Community involvement leave must be documented on time sheets.

SECTION 9. COURT LEAVE

A County employee called for jury duty or subpoenaed to testify on behalf of Alexander County in federal or state court receives court leave with pay only for the period of absence required by the court without charge to accumulated leave. The employee is entitled to regular compensation for jury or witness duty; except employees must turn over to the County any compensation or travel allowance awarded by the court for appearances in connection with official duties with the County. While on court leave, benefits and leave accrue as though on regular duty.

Immediately upon being excused from duty, employees must return to work for any portion of the day remaining. Failure to return to work without appropriate authorization from management may result in disciplinary action up to and including termination.

Employees who are called for jury duty are required to provide their supervisor with a copy of their notice to serve and a copy of this document must accompany the timesheet for the weeks in which jury duty pay is awarded.

SECTION 10. EDUCATIONAL LEAVE

Educational leave with pay is granted in accordance with the Fair Labor Standards Act which covers employer required training. Educational leave without pay, not required by the County, may be granted by utilizing leave without pay as outlined in this policy.

SECTION 11. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The County complies with the Family and Medical Leave Act (FMLA) as amended.

A) Guidelines.

- 1) The 12-month period of January to December is used to calculate the FMLA year.
- 2) All paid leave runs concurrent with FMLA. Compensatory, holiday, and bonus time must be exhausted before paid sick or annual leave is granted.
- 3) Requests for leave must be submitted 30-days prior, when possible, and approved by the Human Resources Department. Medical certification must be submitted to Human Resources within 20 days of the initial request.
- 4) The employee is expected to return to work at the end of the leave period stated in the medical certification. Failure to return to work after the expiration of the leave is deemed a voluntary resignation.
- 5) Employees returning from family medical leave must provide medical certification to return to work with no limitations unless the medical condition is covered by the Americans with Disabilities Act.

B) Continuation of Insurance Benefits. An employee's insurance coverage is maintained during family medical leave at the same level and status as regular work periods during the 12-week entitlement. An employee must arrange for their share of cost when taking family medical leave (i.e., dependent coverage or any portion of their own coverage the employee is responsible for). An employee failing to return to work after family medical leave, will be required to reimburse the County for the employee's and employer portion of insurance premiums during the leave period.

Other voluntary insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of those benefits.

C) Accrued Leave. An employee's annual, sick, and applicable holiday leave will continue to accrue at the same rate as when they are on the job.

D) Job Retention. Employees taking family medical leave must be returned to the same or equivalent position, including status, pay, benefits, and other employment terms, upon returning to work. The position is considered the same when, or one with substantially equivalent skill, effort, responsibility, and authority.

SECTION 12. LEAVE WITHOUT PAY

An employee, who successfully completed their probationary period, may request a leave of absence without pay. Factors in determining whether to grant the leave without pay include needs of the employee, workload, prior absences, employee returning to duty, and obligations of the County. Leave without pay cannot be approved for absences related to vacation due to the employee's inability to accrue and maintain or conserve annual leave.

A) Procedure:

1) The request for leave must be submitted to the Department Head two weeks prior to the anticipated date, when possible.

2) The Department Head must certify the employee's pattern of attendance is otherwise acceptable and the employee has not received any type of disciplinary action for attendance-related violations.

3) The decision to approve the request is at the discretion of the Department Head and County Manager.

B) Conditions:

1) The employee is obligated to return to duty by the time determined by the Department Head and County Manager.

2) Annual leave and compensatory or bonus leave must be exhausted before leave without pay is granted.

3) Sick leave must be exhausted before leave without pay is granted in cases of illness.

4) Vacation and sick leave credits will not be accrued during non-FMLA leave. Holiday pay will not be accrued or paid during non-FMLA leave.

5) The employee may continue to be eligible for insurance under the County's group insurance plans. Failure to pay the employee portion of insurance premiums for 30 days results in termination of insurance coverage. Employees are responsible for premiums on all voluntary insurance.

6) Upon returning to duty after being on approved leave without pay, an employee must return to their assigned position or to an equivalent position with the same benefits, pay, and other terms and conditions of employment as before the leave.

7) Employees returning from leave without pay for medical purposes must provide medical certification to return to work with no limitations unless the medical condition is covered by the Americans with Disabilities Act.

SECTION 13. MILITARY LEAVE

The County grants military leave to employees for certain periods of service in the United States military and for FMLA, in accordance with applicable state and federal laws including the Uniformed Services Employment and Reemployment Rights Act (USERRA) and North Carolina General Statute 127A-116.

- A) Military Leave of Absence. An employee who is a member of the United States Armed Forces and is required to engage in field training is granted a military leave of absence. If the compensation received while on military leave is less than the salary would have been earned during the same period as an active employee, the employee receives partial compensation equal to the difference in the base salary earned in training and pay that would have been earned during this same period as a County employee.
- B) Active Duty. An employee who is called into active duty in the United States military is automatically granted a leave of absence, without pay, for the duration of the active service.
- C) Benefits. During military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period.
 - 1) An employee's insurance coverage is maintained during military leave at the same level and status as during regular work period.
 - 2) An employee is responsible for paying voluntary benefits while on leave.

SECTION 14. PARENTAL LEAVE

The County provides paid parental leave to care for, and bond with, a child. A benefit eligible employee may request up to six (6) weeks of continuous or intermittent paid parental leave, subject to the following:

- A) The employee must be employed with the County for at least 12 months with at least 1,250 hours of service during the preceding 12-month period of the qualifying event;
- B) Parental leave must be completed within six (6) weeks of the qualifying event;
- C) Qualifying events include the birth of a child; the new legal placement of a child for adoption, foster care, or guardianship; or the legal placement of a child for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis). Documentation is required.
- D) Paid parental leave does not accrue and cannot be donated to another employee; nor is it paid out upon separation of employment.
- E) Each week of parental leave is compensated at 100 percent of the employee's regular straight-time weekly pay;
- F) If the employee requires leave before the birth or adoption due to medical reasons, accrued leave must be utilized in accordance with County policy; and
- G) Employee must complete a paid parental leave form and submit it to their Department Head for review at least 30 days prior to their intention to use leave, when possible. The request will be reviewed by Human Resources and sent to the County Manager, or designee, for approval.

SECTION 15. WORKERS' COMPENSATION LEAVE

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use sick leave or vacation during the first seven-day required waiting period. The employee may also elect to supplement workers' compensation payments after they begin,

provided the combination of leave supplement and workers' compensation payments does not exceed normal compensation. For additional information, refer to Chapter 9 – Worker's Compensation. A work-related injury or illness, qualifying as FMLA leave, is designated and counted towards the employee's 12-week entitlement.

SECTION 16. LAW ENFORCEMENT OFFICER'S ADDITIONAL BENEFITS

Pursuant to NCGS 143-166.30 and 143-166.40, the County participates in the law enforcement officer's supplemental retirement income plan and provides for a special separation allowance for full-time law enforcement officers.

SECTION 17. NC FIREFIGHTERS' AND RESCUE SQUAD PENSION FUND

Pursuant to NCGS 58-86, the County provides reimbursement for the supplemental pension fund for full-time Emergency Medical Services, Fire Marshal, and 911 Communication employees.

CHAPTER 7 EMPLOYEE BENEFITS

SECTION 1. POLICY

To provide essential benefits to all eligible employees with the County.

SECTION 2. HEALTH INSURANCE BENEFITS

The County provides, at no cost individual medical, dental, and vision insurance as approved by the Board of Commissioners.

If an employee's health insurance premium is fully paid through a grant, employees are enrolled in the program in accordance with the provisions of the insurance contract and on the first day of the month following a thirty (30) day waiting period.

Eligible employees may elect voluntary coverage, at the employee's expense, for dependents in accordance with the provisions of the insurance contracts.

Eligible employees hired before July 1, 2009 in good standing who retire through the Local Government Employee Retirement System have the option of continued health insurance. Refer to the County's *Retiree Health Benefits Policy* for eligibility requirements, policies, and procedures.

SECTION 3. LIFE INSURANCE

The County provides Life Insurance to all eligible employees. Additional life insurance options are available at the employee's expense.

SECTION 4. UNEMPLOYMENT COMPENSATION

County employees who are laid off or dismissed without cause from County service may apply for unemployment compensation through the NC Employment Security Commission. Eligibility for unemployment is determined by the NC Employment Security Commission.

SECTION 5. OLD AGE AND SURVIVOR'S INSURANCE (SOCIAL SECURITY)

The County, to the extent of its lawful authority and power, extends Social Security benefits for eligible employees in accordance with the provisions of the Social Security Act. The federal Social Security program provides monthly benefits subject to its requirements.

SECTION 6. RETIREMENT BENEFITS

Employees working a regularly scheduled minimum of 1,000 hours per year, will be enrolled in the Local Government Employee Retirement System (LGERS). Pursuant to state regulations, the County and employees contribute to the system.

Upon the event of an employee's death, the estate is paid an amount set by LGERS. Refer to the *Local Government Retirement System Handbook* for more detailed information.

SECTION 7. SUPPLEMENTAL RETIREMENT INCOME PLAN (401-K and 457)

The County provides supplemental retirement income plans which allows employees to defer a portion of their income before taxes.

In accordance with state regulations, the County provides contributions of 5% to the State Supplemental Retirement Income Plan for all sworn law enforcement personnel effective on the date of hire. The County also pays a monthly separation allowance to retired sworn law enforcement officers as required by state law.

SECTION 8. WORKERS' COMPENSATION

All employees of the County are covered by the North Carolina Workers' Compensation Act for medical expenses and lost time from work. Employees are required to immediately report all injuries arising out of, and in the course of, employment to their immediate supervisors so appropriate action and medical care may be taken. Refer to Chapter 9 – Worker's Compensation for detailed policies and procedures.

SECTION 9. LONGEVITY

Longevity pay is intended to reward eligible employees for continued service on an annual basis. After five (5) years of continuous permanent County service, an eligible employee receives a lump sum payment of 1.5% of their annual salary during the month of their anniversary date. For purposes of calculating the longevity payment, annual salary is defined as the sum of: 1) the annual salary amount listed in the payroll accounting system as of the Friday prior to the longevity check date; plus 2) any overtime wages paid to the employee during the 12-month period prior to the month of the employee's anniversary date. After

the first longevity payment, the percentage of salary received increases by one-tenth of a percent each year to the maximum of 4% after 30 years of service.

SECTION 10. FLEXIBLE BENEFITS

Additional benefit deductions, elected by an employee, are payroll deducted.

SECTION 11. TUITION REIMBURSEMENT

In an effort to encourage employees to seek educational opportunities, the County, subject to budgeted funds, supports the educational development of the workforce by reimbursing an employee for courses taken in pursuit of a degree, on their own time, which improves the skills needed for their current position or for promotional opportunities within the County.

A) Guidelines and Eligibility:

- 1) Full-time or part-time with benefit employees are eligible for reimbursement.
- 2) The date a grade was received must be after completion of the probationary period.
- 3) Coursework must be in pursuit of an associate, bachelor's, master's, or doctoral degree from an accredited institution of higher learning and related to the current position or Alexander County Government functions. Institutions include community colleges, four-year colleges, and universities.
- 4) Coursework must occur outside the employee's normal working hours.
- 5) Successful completion of the coursework, with a letter grade "C" or better, or a passing grade in the case of a pass/fail system, is required.
- 6) Eligible expenses include tuition, registration fees, and student fees.
- 7) Employees may receive up to a maximum amount of \$1,000 per semester.
- 8) Expenses already paid for by financial aid award, grant, or scholarship are not reimbursable expenses through Tuition Reimbursement.
- 9) Tuition reimbursement may be considered taxable income under IRS regulations.
- 10) An employee who voluntarily separates from employment within six (6) months of receiving tuition reimbursement under this policy is required to repay the County the amount of any tuition reimbursement received. The amount owed shall be deducted from the employee's last paycheck or the payout of vacation leave.

B) Approval Process:

- 1) After successful completion of the course, the employee applies for reimbursement of eligible expenses by completing a Tuition Reimbursement form.
- 2) The form must be forwarded to Human Resources for review, approval, and processing.

SECTION 12. LANGUAGE SKILLS INCENTIVE PAY

To better communicate and build relationships with citizens, to minimize the cost of contractual interpretive services, and to aid in the recruitment and retention of bilingual staff, Alexander County is committed to providing incentive pay to eligible employees in certain departments.

A) Eligibility. Eligibility is determined on a case-by-case basis, based on needs of the department, with the recommendation of the Department Head, review by Human Resources, and approval by the County Manager. Position eligibility requirements are as follows:

- 1) The language skills must be beneficial to the County.
- 2) The employee's position must be one where customer contact is at a sufficient rate to utilize interpretive services.

B) Proficiency. Incentive pay is awarded to employees who demonstrate proficiency in the needed language. Employees, including native speakers, are required to pass a proficiency test arranged by their assigned department through a third-party evaluator. Testing is paid for by the employee's assigned department. Employees who do not meet the established proficiency standard cannot receive incentive pay.

C) Procedures.

- 1) A Department Head must complete a Request for Approval of Language Skills Incentive Pay form and identify the language they want the employee to be assessed in.

- 2) The request form is reviewed by Human Resources for compliance with requirements and approved or denied by the County Manager. A copy of the form is returned to the employee and Department Head notifying them of the decision.

- 3) Following successful completion of the proficiency assessment, an employee certified with oral proficiency is awarded with the incentive pay at a rate approved in the current fiscal year budget. An employee who is also certified with written skills of the same language is eligible for an additional incentive pay, as defined in the current fiscal year budget. Employees may be certified as proficient in more than one language; however, the maximum amount received in incentive pay does not exceed that of one language.

D) Employee Responsibilities. This is a voluntary program however, an employee who chooses to participate in this program and is approved for incentive pay must be available on a regular workday.

E) Compensation. Language Skills Incentive Pay is equal to 2.5% in the salary schedule.

F) Discontinuation of Incentive Pay. Language Skills Incentive Pay will be discontinued if any of the following occur:

- 1) The employee transfers to a position which does not allow them to meet the eligibility criteria.

- 2) Participation in the program interferes with the employee's regular duties and is no longer in the best interest of the County for the employee to continue.

- 3) The employee's language skills are no longer at an acceptable proficiency level.

- 4) The employee voluntarily withdraws from participation in the program.

- 5) The employee's availability or willingness to provide assistance is less than desirable compared to the number of requests received.

SECTION 13. PROFESSIONAL DEVELOPMENT

The County encourages employees to pursue learning opportunities to enhance their professional development. This section is intended to reward employees who pursue and successfully complete professional development through certifications or degrees by providing an incremental step pay increase for such achievements. Employees may receive a professional development increase once per fiscal year, subject to budget approval.

A) Employee Eligibility. In order to receive a professional development increase, the employee must meet the following requirements:

- 1) A regular benefit eligible employee;
- 2) Receive an overall meets expectation rating or higher on their most recent performance review;
- 3) Not currently subject to a performance improvement plan or disciplinary action; and
- 4) Pre-approval must be obtained from the Department Head, Human Resources, and the County Manager.

B) Program Eligibility. To be eligible, the professional development program must be relevant to the employee's current position, a position within the employee's current functional area, and meet one of the criteria listed below:

- 1) Professional Certification. Courses must have a duration of more than 30 days.
- 2) Professional Licensure.
- 3) Academic Degree (Associates, Bachelors, Masters, or Doctorate)

Situations that do not qualify for professional development increase include:

- 1) Certifications or licensures issued as probationary.
- 2) Certifications, licensures, and/or degrees required for the position.
- 3) Certifications, licensures, and/or degrees which employees already possess, even when re-certification is required.
- 4) Courses which are attendance-based only and do not require participants to pass a written certification exam.

C) Approval Process.

- 1) Employee. Provides their Department Head with a copy of the certification, license, or diploma and requests a professional development increase.
- 2) Department Head. Submits a payroll change form with the appropriate documentation along with a copy of the certification, license, or diploma.
- 3) Human Resources. Reviews the request for policy compliance and form.
- 4) County Manager. Reviews and approves or denies the request.

CHAPTER 8 SEPARATION AND REINSTATEMENT

SECTION 1. SEPARATION OF EMPLOYMENT

Separations from employment are either voluntary or involuntary, and designated as a resignation, reduction in force, disability, retirement, death, or dismissal.

SECTION 2. SEPARATION TYPES

A) Resignation. An employee must submit written notification to their immediate supervisor at least two (2) weeks prior to the intended date of separation. Department Heads are required to provide four weeks' notice. The following conditions apply during the notice period:

- 1) If a two-week notice is not given, the employee is ineligible for rehire and waives payment for accumulated annual leave. A Department Head may waive this requirement when it is in the best interest of the department.

2) The employee may not use accrued leave during the two-week notice. If leave is taken during the notice, their official last day of employment is revised to the last date actually worked.

3) The two-week notice does not include holidays; therefore, if an observed holiday falls within the notice, the employee must work the entire day (or shift) before and the entire day (or shift) after a holiday in order for the holiday to be paid.

B) Reduction in Force.

In the event a reduction in force becomes necessary, either for a lack of funds, revenues, or work, the following considerations are as follows:

- 1) Organizational needs of the County and the affected department;
- 2) Each employee's performance documented by performance appraisals, skills, and abilities;
- 3) No regular employee can be separated from employment while temporary, or probationary employees serve in the same class in the department, and
- 4) Employees are given at least two weeks' notice and/or two weeks' severance pay.

C) Disability. An employee may be separated for disability when the employee is unable to physically or mentally perform the essential duties of the position. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation must be supported by medical evidence as certified by a licensed medical practitioner. The County may require a physical and/or mental health examination at its expense and by a physician of its choice.

D) Retirement. An employee who meets the conditions set forth under the provision of the NC Local Government Employee Retirement System may elect to retire and receive benefits earned under the plan.

E) Death. Separation is effective as of the date of death. All compensation due is paid to the estate of the employee.

F) Dismissal. An employee may be dismissed in accordance with the provisions and procedures of this policy.

G) Reinstatement. An employee who resigns in good standing may be rehired with the approval of the appointing authority, but is classified as a new employee, subject to the rules and regulations of any new employee.

An employee who resigns from a benefit eligible position must have a thirteen-week break in service before they can be rehired.

Any eligible employee who separates in good standing and is rehired within five years will be credited with previously accrued sick leave with the exception of when an employee transferred the balance of sick leave to another employer. Previous service time is counted for the purpose of determining the annual leave accrual rate. Rehired employees do not receive credit for the purpose of longevity.

An employee in good standing who separated due to a reduction in force is given first consideration for vacancies in same or similar positions for one year after the reduction in force. An employee in good standing who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the County Manager. Consideration is given to qualifications, needs of the department, and past employment history. An employee reinstated in this manner is re-credited with previously accrued sick leave, and service credit for calculating retirement, annual leave, and longevity benefits.

CHAPTER 9 WORKERS' COMPENSATION

SECTION 1. PURPOSE

Workers' Compensation is provided to employees who sustain injuries or illnesses, which arise out of, or are determined to be within, the course and scope of their employment.

SECTION 2. COVERED EMPLOYEES UNDER THE WORKERS' COMPENSATION ACT

All County employees, regardless of employment status, are covered by the North Carolina Workers' Compensation Act and are entitled to medical treatment and appropriate weekly indemnity payments for injuries or illnesses within the course and scope of their employment.

SECTION 3. AGENCY RESPONSIBILITIES

North Carolina Industrial Commission. This agency establishes the rules and regulations under which the Workers' Compensation Act is administered. Determination of liability and associated costs are processed according to these rules and regulations. In cases where the County and the injured employee cannot agree on liability or compensation, the Commission may hold hearings.

North Carolina Occupational Safety & Health Administration (OSHA). Workplace injuries and illnesses qualifying under the Occupational Safety & Health Administration may or may not qualify as Workers' Compensation. OSHA recordkeeping is maintained by the Human Resources Director and Risk Management Specialist.

Third-Party Administrator. The County contracts with a third-party administrator to handle all Workers' Compensation claims. The third-party administrator is responsible for determining liability, authorization of treatment, bill processing, weekly compensation benefits, and form filing.

SECTION 4. REPORTING REQUIREMENTS

Employee Responsibilities:

- A) Immediately notifies the Department Head and Risk Management of an accident or injury and completes a First Report of Injury or Illness Form. A delay in reporting the incident may result in the loss of benefits.
- B) Contacts the Department Head and Risk Management prior to receiving any non-life-threatening medical treatment.
- C) Notifies Risk Management of the details regarding restricted or modified return to work duty.
- D) Follows orders of the approved medical professional.
- E) Provides all medical correspondence to Risk Management immediately.

Department Head Responsibilities (or Designee):

- A) Identifies the injury and contacts Risk Management to arrange for medical treatment.
- B) Completes a First Report of Injury or Illness Form and submits the form to Risk Management within 24 hours of the incident.
- C) Maintains complete confidentiality of all work-related injuries.

- D) Working with the Risk Management Specialist, investigates the incident and recommends measures to eliminate or reduce hazards.
- E) Within 48 hours of the incident, submits a completed Incident Investigation Report Form to Risk Management.

Risk Management Responsibilities:

- A) Where applicable, ensures the injured employee receives benefits provided by the North Carolina Workers' Compensation Act.
- B) Reports all injuries to the third-party administrator via completion of Industrial Commission Form 19 within the timeframe required by law.
- C) Communicates with the third-party administrator to pre-approve all medical treatment for the injured employee.
- D) Assists in returning the employee to work.

SECTION 5. ACCIDENT REPORTING AND MEDICAL TREATMENT PROCEDURES

The following procedures must be followed when an on-the-job accident occurs. Please refer to Attachment B for treatment and screening facilities.

Step 1: Report the accident to the supervisor immediately. In the absence of a direct supervisor, the employee should contact the Human Resources Office immediately.

Step 2: Supervisor contacts Risk Management for pre-approval of medical treatment.

Step 3: Within 24 hours of the injury, regardless of medical treatment, the Supervisor notifies Risk Management and submits a Form 19.

Step 4: Supervisors investigate all accidents and injuries using an Incident Investigation Report Form and forward the completed documentation immediately to Risk Management. Risk Management completes a new Form 19 and sends the form to the employee and the third-party administrator. If the employee does not agree with the description and/or time of the accident given on Form 19, the employee should make a written report to their supervisor within 30 days of the injury. A follow-up investigation is conducted by the Safety Committee.

Step 5: If an injured employee is placed on light duty work by an authorized medical professional, the employee must contact the Risk Management office prior to returning to work.

Step 6: The employee must update their Department Head after each doctor's visit and provide medical documentation to Risk Management prior to returning to work.

Step 7: If medical treatment is required, alert the medical facility it is a Workers' Compensation. Except for emergencies or after-hours injuries, all treatment must be pre-approved by Risk Management and the Workers' Compensation provider. The employee should not use their personal medical insurance card.

Step 8: If prescriptions are issued, notify the pharmacist it is a Workers' Compensation claim. A list of approved pharmacies may be obtained by contacting the Risk Management Specialist.

SECTION 6. LIGHT DUTY

Light duty is defined as a modification in an employee's physical requirements, hours of work, or related issues caused by a medical condition as a result of a Workers' Compensation incident. Light duty is certified by an authorized licensed medical practitioner and prevents an employee from performing one or more of the essential physical duties of their assigned position. Only medically authorized and specifically defined duties are considered by the County for light duty.

In order for an employee to be considered for light/modified duty, a written signed authorization form from a medical professional must be submitted to Risk Management. The authorization must detail specific physical duties from the position description that the employee can and cannot perform along with the anticipated duration of the condition. Risk Management, the Human Resources Director, and Department Head will determine a placement for the employee in order to accommodate for the employee's limitations, either by minimizing the physical demands of the assigned job or identifying another position within the County which meets the recommendations as specified by the authorized licensed medical practitioner. The employee may not use sick leave, annual leave, or leave without pay in lieu of returning to work while on light duty status.

Before returning to regular duty, a medical certification must be provided to Risk Management. In the event the County cannot provide light duty work or lost time from work is required by the authorized medical professional, the employee is placed on workers' compensation leave.

SECTION 7. WORKERS' COMPENSATION LEAVE

A) Leave Procedures. An employee absent from duty due to a sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick or annual leave for the first seven days of an injury. Workers' Compensation does not pay for leave time for the first seven days unless the employee is required by the treating authority to be out for at least 21 days. The employee is responsible for notifying their Department Head and Risk Management of their decision whether or not to use leave for the pay period involving the seven-day waiting period. Timesheets must reflect the decision and be marked workers' compensation on the days in which leave is taken.

B) Additional Leave Options. On the eighth day of the authorized absence, the employee is automatically placed on workers' compensation leave. The employee receives 66 2/3% of their gross wages for lost time due to the injury or illness. The employee may select to supplement workers' compensation payments by using compensatory, sick, or annual leave provided the combination of leave and Workers' Compensation payments do not exceed normal compensation. If the employee elects to use compensatory time as a supplement, it shall be paid at the employee's hourly rate of pay. The pay is subject to State and Federal tax withholdings and Social Security, but is not subject to retirement withholdings.

C) Use of Leave for Additional Medical Treatment. Medical appointments as a result of a workers' compensated injury, during regularly scheduled working hours, are not charged to sick leave or annual leave for time away from work. Time should be reasonable for treatment and travel. An abuse in leave provisions is charged as sick leave, annual leave, or leave without pay. Employees should schedule appointments at a time most convenient for their work unit. The employee is expected to return to work after medical treatment unless the authorized licensed medical practitioner prohibits their return to work.

D) FMLA. Qualified employees are placed on family medical leave which runs concurrent with workers' compensation leave.

SECTION 8. BENEFITS WHILE ON LEAVE

The following benefits are available to the injured employee while on approved workers' compensation leave:

A) Health insurance premiums continue to be paid by the County. Premiums for any dependent coverage or voluntary benefits must be paid by the employee.

B) Employees eligible for longevity pay while on workers' compensation leave, continue to receive their annual payments.

C) Cost-of-living increases, bonuses, etc., the employee did not receive due to workers' compensation leave are reinstated upon returning to work.

D) The employee continues to accumulate annual and sick leave.

E) Travel reimbursement at the NCIC effective rate to attend medical appointments. The employee must notify Risk Management for a travel reimbursement.

SECTION 9. TEMPORARY AND PART-TIME EMPLOYEES

All employees classified as part-time no benefits, temporary, or seasonal positions will be placed on leave status and receive the benefits eligible under the Workers' Compensation Act. All employees classified as part-time with benefits receive pro-rated benefits.

SECTION 10. ACCIDENTS INVOLVING COUNTY VEHICLES

Accidents involving the use of County vehicles, whether or not the accident results in an injury, must immediately be reported to the Department Head. In the absence of the Department Head, the Risk Management Office or County Manager must immediately be notified. All policies and procedures for reporting accidents must be followed.

SECTION 11. ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Employees are tested for the presence of drugs and alcohol following an on-the-job accident or injury involving one or more of the following: a fatality, injury to an employee or another individual, a motor vehicle accident, after a sequence of minor accidents or injuries regardless of medical treatment, or any injury receiving authorized medical treatment.

On-the-job means on County property, including parking lots, at job sites, driving and/or riding as a passenger in a county vehicle or private vehicle for authorized County business, on County time even if off County premises (including lunch and rest breaks).

Following an accident, the employee(s) must be drug and alcohol tested within eight hours. The employee is responsible for refraining from the legal use of alcoholic beverages until testing is complete, without exception.

SECTION 12. DISCIPLINE AND CONSEQUENCES

- A) Failure to Report Injury. Any employee involved in an on-the-job injury or incident who does not report an incident as soon as possible, will receive disciplinary action up to and including termination. The employee also risks denial of benefits under the North Carolina Workers' Compensation Act.
- B) Failure to Seek Authorized Medical Treatment. The County is responsible for providing appropriate medical treatment for all work-related injuries and illnesses. An employee injured on-the-job who does not obtain prior approval of medical treatment jeopardizes payment of accident-related expenses. In addition, failure to follow required procedures results in disciplinary action up to and including dismissal.
- C) Positive Drug Test and Alcohol Test. An employee who tests positive for drugs or alcohol, refuses to submit to a drug and alcohol test, or refuses to follow testing procedures is deemed a positive result and will be dismissed from employment in accordance with this policy.

ATTACHMENT A WORKERS' COMPENSATION SUPPLEMENTAL INFORMATION

The attachment provides specific contact information, medical treatment facilities, and rates related to the Workers Compensation Policy. The information will be revised periodically to reflect local, state, and federal regulations or requirements; and is supplemental in form.

REQUIRED DOCUMENTATION:

- Report an Incident: Immediately
- First Report (Form 19): Submit to Risk Management within 24 hrs of incident
- Incident Investigation Form: Submit to Risk Management within 24 hrs of incident
- Final Report (Form 19): Risk Management submits within five (5) days

MEDICAL TREATMENT FACILITIES:

- Life Threatening Injuries: Nearest hospital emergency room
- Non-Life-Threatening Injuries: Nearest Urgent Care

POST-ACCIDENT DRUG AND ALCOHOL SCREENING FACILITIES:

Nearest Urgent Care or Hospital (if already en route)

NORTH CAROLINA INDUSTRIAL COMMISSION:

- Mileage Reimbursement Rate: Refer to IRS Schedule
- Minimum Mileage Round-trip: 20 miles

CONTACT INFORMATION:

Risk Management: 828-632-1132

CHAPTER 10 SUBSTANCE ABUSE

SECTION 1. PURPOSE

To ensure employees perform assigned duties in a safe, productive, and healthy manner; create a workplace environment free from the adverse effects of substance abuse; prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and encourage employees to seek professional assistance when personal problems, including substance misuse and dependency, adversely affects their ability to perform assigned duties.

The regulation of substance abuse in the workplace limits the risks posed by illegal drugs, misuse of prescription drugs, alcohol, or other substance abuse. Employees, visitors, and vendors are governed by this Chapter.

SECTION 2. PROHIBITED SUBSTANCES

Prohibited substances include the following:

- A) Illegally Used Controlled Substances or Drugs. The use of any illegal drugs or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 are prohibited at all times unless a legal prescription is written for the substance. These include, but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), cocaine, and ecstasy, as well as any drug not approved for medical use by the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
- B) Prescription/Over the Counter Drugs. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, carrying a warning label which indicates mental functioning, motor skills, or judgment may be adversely affected, must be reported to a supervisor immediately. In addition, employees must report their use of a prescription or over the counter medication which may impair their ability to perform their job to their supervisor. Supervisors must treat this information in a confidential manner. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.
- C) Alcohol. The use of substances containing alcohol including mouthwash, food, candy, or other substance which causes alcohol to be present in the body while on-duty is prohibited.

SECTION 3. PROHIBITED CONDUCT

- A) Manufacture, Trafficking, Possession, and Use. County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances. Employees who violate this provision will be discharged and law enforcement shall be notified.
- B) Intoxication/Under the Influence. An employee reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty is suspended with pay from job duties pending an investigation. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test are removed from duty and subject to disciplinary action up to and

including termination and legal prosecution. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 382, as amended.

C) Alcohol Use. No employee may report for duty or remain on duty with alcohol in their system. Employees are prohibited from using or purchasing alcohol while on duty or in uniform. No employee shall use alcohol within four hours of reporting for duty or during on-call hours. Violation of these provisions is prohibited and subject to termination.

D) Compliance with Testing Requirements. These actions result in the employee's removal from duty and their employment subject to termination:

1) An employee who refuses to comply with a testing request or procedures. Refusal includes an inability to provide a sufficient specimen or sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct a test.

2) An employee suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution is required to undergo an observed collection.

E) Notifying the County of Drug/Alcohol Charges or Conviction. All employees must to notify Human Resources of any conviction for drug and/or alcohol related charges and convictions within five days. Employees who have driving as an essential or non-essential duty must immediately report if their license is temporarily or permanently suspended to the Human Resources Department. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

SECTION 4. TESTING PROCEDURES

Procedures must be consistent with 49 CFR Part 40, as amended. A test must be performed in a private, confidential manner and every effort made to protect the employee, the integrity of the test, and the validity of the results. Please refer to Attachment B for detailed program information.

A test is considered positive if the amounts present are above the minimum thresholds established in this Chapter and 49 CFR Part 382, as amended. A test result from a laboratory is reported to a Medical Review Officer (MRO). The MRO reviews the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO contacts the employee, notifies the employee of the positive test result, and provides the employee with an opportunity to explain the confirmed test result. The MRO reviews the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive test result. If no legitimate explanation is determined, the test is verified positive and reported to the Human Resources Director. If a legitimate explanation is determined, the MRO reports the test result as negative.

SECTION 5. TESTING METHODS

A) DOT Safety Sensitive Employees

Employees required by their job duties to hold a state issued commercial driver's license are subject to testing pursuant to 49 CFR Part 40 and Part 382, as amended.

B) County Safety Sensitive Employees

Employees in safety sensitive positions must submit to an alcohol test and urine specimen for the purposes of alcohol and drug screening. The procedure for obtaining the specimen and verifying the validity of the sample must be in accordance with 49 CFR Part 40 and Part 382, as amended.

An employee with a confirmed positive alcohol concentration will be removed from their position, and informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP). A positive drug and/or alcohol test subjects an employee to termination.

SECTION 6. REQUIRED SUBSTANCE ABUSE SCREENS

A) Pre-Employment. Final candidates for any employment position, regardless of status, must undergo a drug and/or alcohol test as a part of a conditional offer of employment. Failure to comply with testing procedure or a positive result from a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of one year.

B) Reasonable Suspicion. All employees are subject to a fitness for duty evaluation and a drug and/or alcohol test when there are reasons to believe drug or alcohol use is adversely affecting job performance.

C) Post Accident. Employees are tested for the presence of drugs and alcohol following an on-duty accident or incident involving any of the following:

- 1) A fatality;
- 2) An injury to another individual requiring medical attention from a healthcare professional;
- 3) An accident involving a county owned vehicle and the vehicle sustains discernable damage;
- 4) After a sequence of minor accidents or injuries regardless of the need for medical treatment;
- 5) Any injury or incident requiring medical attention from a licensed healthcare professional;
- 6) Another employee whose performance could have contributed to the incident.

Following an accident, the employee(s) is tested as soon as possible, but not to exceed eight hours. An employee involved in an accident must refrain from alcohol use off-duty for eight hours following the accident or until the employee undergoes the post-accident test. Please refer to Attachment B.

Any employee who leaves the scene of the accident prior to submission of post-accident testing without justifiable explanation is deemed to have refused the test and they are subject to termination.

D) Random. Safety sensitive employees are subject to random, unannounced testing. The selection of employees for random testing is by a scientifically valid method ensuring each employee has an equal chance of being selected each time random testing is conducted. Random tests are unannounced and conducted throughout the year. Tests can be conducted at any time during the workday. Employees are required to proceed immediately to the collection site upon notification of their selection.

E) Employee Requested. Any employee who questions the results of a required drug test may request testing of the split sample. The test must be conducted on the split sample provided by the employee at the same time as the original sample. The employee must pay all costs for such testing unless

the result of the split sample test invalidates the result of the original test. The method of collecting, storing, and testing the split sample must be pursuant to 49 CFR Part 40, as amended.

F) Last Chance Clause. Employees who voluntarily participate in an approved rehabilitation program are required to undergo frequent, unannounced drug and/or alcohol tests following their return to duty. The follow-up testing is performed for a period of two years. If the employee tests positive in an unannounced test during this two-year time period, the employee is subject to termination.

G) Re-employment. An employee who does not pass the drug and/or alcohol screen and is terminated cannot be considered for re-employment for a two-year period following the date of the test and can only be considered when the individual provides documentation of successful completion in a treatment/rehabilitation program and the individual passes pre-employment screens.

SECTION 7. INFORMATION DISCLOSURE

All drug and alcohol testing records are maintained in a secure manner.

SECTION 8. TRAINING

All employees will periodically undergo training on the signs and symptoms of drug and alcohol abuse including the effects and consequences of substance use on personal health, safety, and the work environment. The training includes manifestations and behavioral cues that may indicate prohibited substance use or misuse.

**ATTACHMENT B SUBSTANCE ABUSE
SUPPLEMENTAL INFORMATION**

The attachment provides specific contact information related to the Substance Abuse Chapter. The information will be revised periodically to reflect local, state, and federal regulations or requirements; and is supplemental in form.

PROGRAM QUESTIONS:

Program Manager

County Manager
621 Liledoun Road
Taylorsville, NC 28681
Telephone Number: (828) 632-9332
Fax Number: (828) 632-0824

Assistant Program Manager

Human Resources Director
621 Liledoun Road
Taylorsville, NC 28681
Telephone Number: (828) 632-1132
Fax Number: (828) 632-0824

Medical Review Officer (Post-Accident)

Urgent Care of Mountain View
3022 North Center Street A
Hickory, NC 28601
Telephone Number: (828) 330-2103
Fax Number: (828) 499-9749

Substance Abuse Professional

The Counseling Group, Inc.
106 Third Ave NE
Hickory, NC 28601
Telephone Number: (828) 322-9130

POST-ACCIDENT DRUG AND ALCOHOL SCREENING FACILITIES:

8am to 5pm: Nearest Urgent Care

5pm to 8am: Frye Regional Medical Center or Iredell Memorial Hospital

CHAPTER 11 TECHNOLOGY RESOURCES

SECTION 1. PURPOSE

To ensure the responsible and lawful use of information technology resources by employees, contractors, and other authorized users.

SECTION 2. APPLICABILITY

This chapter applies to all individuals accessing or using Alexander County's technology resources, including but not limited to employees, contractors, consultants, volunteers, vendors, temporary employees, and authorized third parties. Information technology resources include any data in digital or audio-visual form, any hardware, or any software which stores or transmits data including, but not limited to, external storage devices, personal computers, mobile devices, internet, or connected devices owned or leased by the County.

SECTION 3. INFORMATION ACCESS AND OWNERSHIP

All information transmitted by, received from, or stored on County systems is the property of Alexander County and is subject to inspection by County officials. The County reserves the right, without advance notice, to access and monitor every message and file on the County's email or internet system. Despite the existence of passwords, employees must not assume any County electronic communication is private. To this end, highly confidential information or data should be transmitted in other ways. The County may access or monitor any County electronic device or communication for any reason including to:

- A) Measure cost analysis/allocation and the management of the County's gateway to the internet;
- B) Investigate theft or unauthorized disclosure of confidential business or proprietary information;
- C) Investigate personal abuse of the system; and
- D) Evaluate workflow and productivity.

The County Manager designates persons authorized to conduct any access or monitoring.

SECTION 4. PROHIBITED USES

To protect the security, integrity, and availability of County technology, the following is prohibited:

- A) Any attempt to disable or circumvent security controls, policies, or procedures.
- B) Any use violating federal law, state law, or county ordinance or policy including, but not limited to:
 - 1) Theft of technology assets, including sensitive data.
 - 2) Use of County systems for any type of harassment.
- C) Unauthorized use, destruction, modification, or distribution of external and internal systems, applications, or data including, but not limited to:

- 1) Release or disclosure of data to unauthorized parties in violation of federal and state law, or local ordinances or policies.
 - 2) Attempts to modify administrative settings and configurations, or repair hardware and software. Modifications and repairs can only be performed by technology support personnel.
 - 3) Removal of technology assets from County premises without prior approval by authorized technology support personnel. This excludes technology issued for remote work.
- D) Personal devices may be denied County access if the device has an insecure configuration.
- E) Use of technology assets to send or forward jokes, chain letters, solicit for commercial ventures, religion, or political causes, or for personal gain unrelated to employment.
- F) Downloading any software unless approved by technology support personnel.
- G) Using unauthorized cloud services or unapproved external drives to store County data.
- H) Activity which may negatively impact or degrade the performance of technology resources or circumvent security measures.
- I) The use of County technology resources by employees, elected officials, or appointees of the County to view pornographic material on county owned equipment. This does not apply to an employee with the following required duties:
- 1) Investigating or prosecuting crimes;
 - 2) Identifying potential security or cybersecurity threats;
 - 3) Establishing, testing, and maintaining firewalls; or
 - 4) Investigating or researching personnel related matters.

SECTION 5. PERSONAL USE

Limited personal use of technology resources is allowed subject to the following restrictions:

- A) Use is subject to all rules in this chapter including inspection and monitoring.
- B) No cost to the County.
- C) Use is on the employee's own time during lunch or breaks.
- D) Use must not interfere with other employees performing their jobs or undermining the use of County resources for official business.
- E) Using the County's technology resources for operating a personal business is prohibited.
- F) Individuals who are not employees of Alexander County are not allowed to use the County's technology resources.
- G) Personal information created, processed, sent, received, or stored on county technology assets is subject to evaluation and monitoring in the same manner as any work product. Personal files should not

be permanently stored on County equipment and the County is not responsible for backing up or recovering personal data.

H) Public records stored on personal devices are accessible by NCGS 132-6.

SECTION 6. APPROPRIATE USES

When an employee uses County technology resources, they are representing the County. Employees must use good judgment in all resource use. County employees are expected to use County-provided technology resources responsibly and professionally. The County reserves the right to block access to any internet websites and addresses as deemed appropriate.

Technology resources must never be left unattended in an unsecured location. Lost or stolen technology assets must be reported immediately to technology support personnel.

SECTION 7. ELECTRONIC MESSAGING

Authorized users are responsible for ensuring all electronic communications are professional and business-like. Users should assume the messages sent have the potential to be shared with other audiences, including the general public and the media through public records requests.

- A) Suspicious emails should be reported through the appropriate phish alert notifications.
- B) Use caution in opening attachments, especially from unknown senders.
- C) Do not forward email containing confidential personal health information (PHI), personally identifiable information (PII), or other sensitive data unless the data is encrypted.

SECTION 8. RECORD RETENTION

Authorized users must maintain electronic files, data, records, and communication on the established network drives which are routinely archived. Storage on local drives must meet record retention requirements pursuant to state law.

SECTION 9. EXPECTATION OF PRIVACY

The County monitors technology systems and assets to maintain a secure environment and meet compliance requirements. There is no expectation of privacy or confidentiality while using County assets including network usage, internet access, and emails. Usage may be monitored for policy, security, network management, or any reason deemed necessary by the County, and is subject to inspection at any time. Inspection does not require the consent of employees.

The County has the right to install Mobile Device Management software on any work-issued device and may review the information or data collected via these devices at any time, for any reason.

SECTION 10. SYSTEM SECURITY

Users must not share network or application accounts, passwords, personal identification numbers, security fobs, or other similar information or devices used for identification on technology resources. The use of multi-factor authentication to access County technology assets will be enforced and is mandatory.

Authorized users are required to participate in security awareness training sessions in order to enhance their understanding of security best practices, recognize potential threats, and develop the skills to protect sensitive information and systems. Employees must successfully complete annual cybersecurity training and any subsequent training should the employee fail periodic assessments.

CHAPTER 12 SOCIAL MEDIA

SECTION 1. PURPOSE

To establish an approval process for using social media in County related communications and to provide guidelines for social media content.

SECTION 2. APPLICABILITY

This Chapter applies to all County employees, Board members, Elected Officials, volunteers, interns, and consultants. For purposes of this chapter, these roles are identified by the collective term, Staff.

SECTION 3. OVERVIEW

Social media refers to communication tools and resources such as Facebook, X, LinkedIn, Instagram, YouTube, WhatsApp, TikTok, Messenger, Reddit, or others as they evolve. This list is not all inclusive.

The County's primary means of internet communication is through the Alexander County website. The County also has an Alexander County Facebook page, X page, and utilizes a mass notification system. Individual departments may request specific social media tools as a part of their strategic communications to targeted populations and is subject to approval by the County Manager.

Information about Alexander County Government business is managed by the Public Information Officer and Social Media Coordinator. Social media must be used in ways to maximize transparency while maintaining security of information and networks.

The County reserves the right to terminate any County social media site at any time without notice.

SECTION 4. APPROVAL REQUIREMENTS

The County Manager makes the final approval for all social media resources or accounts, even those specific to a department. No form of social media designed to disappear within a defined timeframe is allowed.

Departments must make a request and receive County Manager approval prior to the go-live date and include the following elements in any request:

- A) Clearly define intention of the resources and how it fits the County's strategic plan;
- B) Targeted audience;
- C) Type of content to be communicated;
- D) Assignment of account responsibilities including resource and content management, as

well as site monitoring. The social media page must grant access to the Public Information Officer and Social Media Coordinator.

Departments must maintain a record of social media resources including the media site, account ID, password, registered email address, date established, person creating the account, and additional staff with authorized access. There must be a business necessity for employees to have access to social media on County-owned devices.

SECTION 5. APPROPRIATE USE OF COUNTY SOCIAL MEDIA

Staff using social media on behalf of the County must exercise discretion before posting content. Posted information must be pertinent, useful, job-related, professional, and within the staff's authority to share and contribute.

- A) All usage of social media must comply with applicable federal, state, and local laws and regulations.
- B) Staff must ensure proprietary, confidential, HIPAA protected, and personal information is not posted.
- C) Posted information must be factual and accurate.
- D) Staff must never mix personal and professional social media accounts. Emails and passwords for social media sites must be distinctly separate.
- E) County network login information must never be used for personal social media accounts.
- F) Usage of County social media accounts to conduct private transactions, engage in private business activities, share personal information, or express personal opinions is prohibited.

SECTION 6. CONTENT GUIDELINES

Content refers to words, articles, posts, photographs, videos, graphics, and hyperlinks.

- A) Whenever possible, content posted to social media sites should also be on the County's website or contain links directing users back to the County website or department page.
- B) A signed release form is required when using photographs or videos using identifiable images of residents. Where registration is required for events, an image release clause must be included on the registration form.
- C) Content may be hidden if it violates the guidelines of this Chapter. Content cannot be removed or censored because the comments are critical of personnel, departments, services offered, or any other aspect of government; or because staff personally disagree.
- D) Postings on County social media sites cannot contain:
 - 1) Confidential or private County information;
 - 2) Comments not topically related to the specific posting;
 - 3) Comments in support of, or in opposition to, political campaigns, candidates, or the election process;
 - 4) Religious topics;
 - 5) Private fundraising events;
 - 6) Content considered pornographic, obscene, defamatory, or sexual in nature;
 - 7) Content promoting or advocating violence, illegal activities, or any form of discrimination;
 - 8) Profane or vulgar language as determined by the filters offered through the social media platform;

- 9) Solicitations of commerce or promotion of an employee's private business;
- 10) Infringement on copyrights or trademarks; and
- 11) Information compromising the safety and security of the public.

SECTION 7. COUNTY REPRESENTATION – PERSONAL SOCIAL MEDIA

Staff have the right to personal social media accounts. These accounts should remain personal in nature and be used to share personal information, opinions, and non-work-related information. Staff are responsible for their public conduct even when not performing job duties and are held to the same professional standards in their personal use of social media.

SECTION 8. MASS NOTIFICATION SYSTEM

The County has a mass notification system which is used to contact employees and citizens, in the case of an emergency. The system utilizes landline and mobile telephones, text messaging, and email to provide information.

The mass notification system is used at the County's discretion for emergencies and important information. The system cannot be used for advertisements, personal, or political messages. Though not all-inclusive, the following are examples of situations which may activate this process:

- A) Emergency management information;
- B) Security alerts;
- C) Hazardous chemical spill or release;
- D) Evacuations;
- E) Hazardous weather information; or
- F) General information pertinent to the community.

SECTION 9. FREEDOM OF EXPRESSION

The County recognizes Staff have a constitutional right to freedom of speech. However, staff are accountable for all works and forms of expression exhibited during the performance of official County duties.

Staff are expected to recognize the difference between freedom of expression as a general citizen and freedom of expression as a public representative.

SECTION 10. PUBLIC RECORDS AND RETENTION

County content posted on social media platforms is public record and subject to the State of North Carolina Records and Retention Schedule.

CHAPTER 13 FLEXIBLE WORK PRACTICES

SECTION 1. PURPOSE

Departments are to be open to alternative work arrangements with the understanding the flexibility must be accompanied by appropriate employee accountability measures and compatibility with the operational

and staffing needs of the work unit. Department Heads must offer flexible work arrangements equitably for similarly situated positions within a work unit. Additionally, not every Alexander County position lends itself to flexible work arrangements, nor may every proposed arrangement be accommodated or approved.

Beyond the benefits afforded to individual employees, additional policy considerations include balancing workplace flexibility against the needs, interests, and responsibilities of the County, ensuring high quality services to its citizens.

SECTION 2. FLEXIBLE WORK OPTIONS

Three types of flexible work options are available including temporary changes in work hours, flexible work schedules, and flexible work locations.

A) Temporary Change in Work Hours. Employees may request a change in an employee's regular work schedule, which is not permanent or ongoing, in order to adjust for unplanned, short-notice, or sporadic events. This change may include modifying normal beginning and ending work times or allowing work missed on one day to be made up on another. The flexibility helps the employee avoid taking leave or other paid time off that would otherwise have to be accounted for in a given week. Department Heads have the discretion to grant minor, temporary changes in work hours as long as the operational needs of the department are satisfied.

B) Flexible Work Schedules. Flexible work schedules are adjustments to the employee's reporting or departure times on a regular or recurring basis. The revised schedule must continue to support the operational needs of the County and allow for appropriate oversight of the employee's work assignments. Department Heads are advised to ensure adequate supervision for situations in which adjusted work schedules fall outside of core operating hours. Department Heads may revise or revoke flexible work schedules at any time; however, Department Heads should consult with the Human Resources Director and provide reasonable advance notice to the employee of such revision or revocation, to permit the employee to make alternate arrangements. Ten days of notice is generally considered appropriate, unless employee conduct or safety issues necessitate a shorter notice period, at the discretion of the Department Head or County Manager.

C) Flexible Work Locations ("Teleworking" or "Telework"). Teleworking represents an adjustment to the employee's customary worksite, either on a short-term, ongoing, or recurring basis, while also considering the operational and staffing needs of the department or unit. An employee is not entitled to a telework option; it is at the Department Head and County Manager's discretion.

The County Manager determines which positions or employees are eligible for teleworking. Permanent employees are eligible for consideration of teleworking arrangements. Temporary, seasonal, or probationary employees are not eligible for teleworking arrangements. The employee must not have any disciplinary action in their personnel file in the previous year. Some positions have job responsibilities or unique functions which do not lend themselves to teleworking

Typically, telework arrangements involve the employee regularly or primarily working from home and is sometimes referred to as a remote work arrangement. The teleworking arrangement must continue to support the operational needs of the work unit and also provide for appropriate oversight of the employee's work.

SECTION 3. REQUIREMENTS

To assure appropriate accountability and oversight of teleworking arrangements, the following requirements must be met:

- A) The Employee and Department Head must submit a completed Telework Request form to the Human Resources Department. The telework arrangement must be recommended for approval by the Department Head, pre-approved by the Human Resources Director. The form must be approved by the County Manager before telework can begin.
- B) The teleworking employee must spend at least one day per week physically on-site at the assigned department location working in an official County office or facility to assure the employee gets an opportunity to interact with their work team and has adequate supervision and accountability. Other types of virtual interactions (video conferencing, etc.) should occur regularly enough to provide the teleworking employee a connection to coworkers and the workplace.
- C) Teleworking arrangements are in effect during the time period indicated on the teleworking agreement form. If there are any changes to the teleworking agreement, including changes to the employee's teleworking location, a new Telework Agreement Form must be submitted to the Human Resources Director at least ten (10) days in advance of the effective date of the change(s).
- D) Department Heads are responsible for notifying Human Resources when a teleworking assignment is being discontinued.
- E) Once a notice of resignation is given, the telework arrangement ends and the employee must report to work in the office for the duration of the notice period. If the employee does not return to the office, disciplinary action may be taken, up to and including termination.

SECTION 4. MANAGEMENT CONSIDERATIONS

In reviewing an employee's request for a flexible work arrangement, Department Heads must consider a variety of factors in determining whether the request is compatible with the operational and staffing needs of the work unit and the County as a whole, including, but not limited to:

- A) Present and future operational and staffing needs of the department.
- B) Employee's level of performance and experience on the job.
- C) Work/life needs of the employee and suggested timeframe.
- D) Restrictions on how, when, and where the employee's work must be performed.
- E) Degree of autonomy and independence of the position.
- F) Functionality as part of a team requiring a matching schedule of all team members or significant in-person communication, compared to telephone or online communication.
- G) Level of department responsibilities.
- H) Ability of the department to provide coverage for all work functions without unduly burdening other employees in the department, or creating employee dissatisfaction in absence of the employee who is teleworking.
- I) Ability to handle requests for flexible schedules equitably for similarly situated employees within the department.

- J) Application of teleworking to be made consistently.
- K) Adequate budget to provide the necessary office supplies and equipment.
- L) Effective and responsible monitoring of the employee's work occurring outside the supervisor's regular schedule and away from the office location.
- M) Employee access to all necessary work-related data or files at the teleworking site and assurance of security and confidentiality.

SECTION 5. TELEWORKING CONDITIONS

A) Compensation and Benefits. An employee's compensation, benefits, work status, and work responsibilities cannot change due to teleworking. The amount of time an employee is expected to work per day or pay period does not change as a result of a telework arrangement.

If an employee is unable to work due to illness or becomes ill while working, they should notify their supervisor immediately. Any time not working due to illness must be covered by using accrued leave or flexible work hours, when possible.

B) Conditions of Employment. Any and all legal protections and workplace policies related to an employee's status which normally apply to the office location will apply to an employee authorized to telework off-site. Teleworking arrangements do not change the conditions of employment or required compliance with applicable workplace laws, policies, and rules.

C) Equipment, Materials, and Security. The County provides a teleworking employee with office supplies and equipment as the County deems appropriate. A teleworking employee must agree County-owned resources can only be used for County business and take reasonable steps to protect all County property from theft, damage, or misuse. A teleworking employee must follow all appropriate data security and record management practices and protocols, to the same degree as is expected of employees in the customary worksite. The County assumes no responsibility for any damage to, wear of, or loss of the teleworking employee's personal or real property.

The County is not responsible for any costs associated with the maintenance, insurance, and utilities at the employee's alternative worksite.

D) Travel Expenses. Flexible work and teleworking employees are not eligible for travel expense reimbursement when they commute to and from the County's office location or to and from the alternative work site. Teleworking employees may be eligible for travel reimbursement for meetings and business events away from the County worksite in accordance with this policy.

E) Work Hours and Leaves of Absence. Teleworking employees are expected to perform their work during designated work hours and not engage in activities which are not work-related. Variations to telework hours, including overtime work, vacation, and other leave requests must conform to County policies. Teleworking is not a substitute for sick leave or family medical leave.

F) Third Party Prohibition, Injuries, and Liability. Teleworking employees cannot host or allow third parties to enter their remote worksite to conduct official County business or use County-owned equipment.

SECTION 4. TERMINATION OF TELEWORK ARRANGEMENT

Teleworking is not an employee right and the Department Head, Human Resources, or County Manager may terminate a telework arrangement at their discretion. The termination of a teleworking arrangement requires a ten-day notice and cannot be appealed through the County's grievance process.

SECTION 5. SPECIAL CIRCUMSTANCES REQUIRING WIDESPREAD TELEWORKING

In the event of a catastrophic weather incident, an outbreak of a serious communicable disease, physical damage, destruction, or unavailability of the worksite, this telework policy may be implemented by the County Manager on a widespread basis. In such cases, employees may be required to work from alternate sites in order to meet the operational needs of the County. The County Manager has authority to determine whether special circumstances exist to implement the telework policy on a required widespread basis.

The implementation of this provision would typically occur for no more than thirty days. If the County determines a special circumstance should last longer than the initial thirty days, renewal decisions are made in 30-day increments.

CHAPTER 14 UNLAWFUL HARASSMENT

SECTION 1. PURPOSE

Unlawful harassment, including physical, verbal, or sexual is a violation of federal law and County policy. The intent of this article is to clarify Alexander County's position in matters relating to compliance, discovery, and remedy.

SECTION 2. INTENT

Alexander County intends to maintain a workplace free of unlawful harassment from any source and in any form. This article affirms the County does not tolerate unlawful harassment or retaliation; informs managers, supervisors, and other employees of performance expectations, guidelines, and possible discipline resulting from unlawful harassment; and provides the procedure for reporting workplace harassment.

SECTION 3. UNLAWFUL WORKPLACE HARASSMENT DEFINED

Unlawful workplace harassment is defined as unsolicited and unwelcome speech or conduct based upon race, sex, religion, sexual orientation, gender identity, genetic information, national origin, age, color, and/or disability. This conduct includes verbal, nonverbal, and/or physical behaviors which a reasonable person would find hostile or abusive. The conduct may unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

A) Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written, or physical conduct of a sexual nature. It includes, but is not limited to, situations where:

- 1) The employee is told, threatened, expressed, or implied, that submission to the conduct will influence any personnel decision (employment, wages, advancement, assigned duties, shifts, or any other condition of employment or career development); or
 - 2) The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
 - 3) Types of prohibited sexual harassment include, but are not limited to:
 - a) Verbal propositions or innuendos; lewd or sexually offensive comments; humor, jokes, or teasing about sex, gender, or specific traits; rumors about other employees, verbal abuse, and insults.
 - b) Nonverbal sexually oriented gestures, signs, cartoons, memes, gifs, pictures, cards, books, magazines, graffiti, or paraphernalia; whistling; email or text messages, internet, or other computer or digital transmissions;
 - c) Physical behaviors, specifically any unwelcome touching, such as hugging, kissing, rubbing, patting, pinching, or brushing the body.
- B) Some other types of prohibited activities related to unlawful workplace harassment include, but are not limited to:
- 1) Derogatory pictures or graphics towards an ethnic or religious group.
 - 2) Displaying racially insensitive symbols or pictures.
 - 3) Communicating rude or offensive remarks because of an individual's disability or making the victim feel intimidated or isolated because of a disability.
 - 4) Using demeaning or inappropriate terms or epithets.
 - 5) Telling jokes concerning race, sex, religion, disability, or any other protected class.

SECTION 4. APPLICABILITY

This article applies to all officials and employees of Alexander County, including, but not limited to all employees regardless of status, elected officials, employees exempted from personnel rules or regulations, and individuals working under contract for the County.

All County employees are aware of, and have access to, this Chapter. Adherence to this article is a condition of employment with Alexander County. Department Heads and supervisors must ensure employees under their supervision are familiar with these regulations.

SECTION 5. UNLAWFUL HARASSMENT COMPLAINTS

As with any job-related complaint, the County encourages following the departmental structure, where possible. However, due to the personal nature of unlawful harassment and the County's strong opposition to unlawful harassment, any employee who feels they are subject to harassment can file a verbal or written complaint with their immediate supervisor, Department Head, Human Resources Office, County Manager, or County Attorney.

The employee should be prepared to provide the following information:

- A) Employee's name, department, and position title.
- B) Name of the person or persons committing the harassment, including their position title, if known.

- C) Specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against the employee, or any other threats as a result of the harassment.
- D) Witnesses to the harassment.
- E) Whether harassment was previously reported and, if so, when and to whom.

A complaint form is included as Attachment C.

SECTION 6. REPORTING AND INVESTIGATING OF UNLAWFUL HARASSMENT COMPLAINTS

A) Complaints Against an Employee.

The County Manager is the person designated to be the investigator of unlawful harassment complaints. The County Manager may delegate the investigation to Human Resources or a third party at their discretion. In the event the harassment complaint is against the County Manager, the investigator shall be Human Resources or a third party appointed by the County Attorney.

When an employee makes an allegation of harassment, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the County Manager, or in the event the harassment complaint is against the County Manager, to the County Attorney.

The investigator is required to keep a written record of the investigation.

Within a reasonable period of time, the County Manager shall make a determination whether the conduct of the person against whom a complaint of harassment has been made constitutes unlawful harassment. The County Manager will review the totality of circumstances and determine whether unlawful harassment occurred on a case-by-case basis.

If a complaint of unlawful harassment is substantiated, the County Manager will take immediate and appropriate disciplinary action with the employee in accordance with the County's employee disciplinary procedures.

The disciplinary action may include warning, suspension, demotion, or termination. The level of disciplinary action will be determined on a case-by-case basis.

B) Complaints Against the County Manager.

Upon receipt of a report on the investigation of a complaint of unlawful harassment against the County Manager, the County Attorney will present the report to the Board of County Commissioners. If the complaint of unlawful harassment is substantiated, the Board of Commissioners will take immediate and appropriate disciplinary action against the County Manager in accordance with the County's disciplinary procedures.

The disciplinary action may include warning, suspension, demotion, or termination. The level of disciplinary action will be determined on a case-by-case basis.

C) Unlawful Harassment Committed by Non-Employees.

Workplace harassment of County employees by non-employees is prohibited. All such behaviors observed must be reported in accordance with this article. When reports of workplace harassment against an employee in the workplace involve a non-employee, the County will support appropriate steps to address the workplace harassment.

D) False Claims.

All claims of unlawful harassment will be taken seriously and investigated. Any employee who believes they are the victim of harassment or believes they have witnessed harassment is required to report the harassment immediately. As noted in this article, legitimate unlawful harassment will be met with the appropriate disciplinary action. However, if claims are found to be false and filed for malicious intent, the accuser may face disciplinary action. This section is in no terms intended to discourage legitimate unlawful harassment complaints.

SECTION 7. OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of unlawful harassment, they are obligated to report instances of harassment.

Employees are required to cooperate in every investigation of unlawful harassment, including, but not limited to, coming forward with evidence, whether favorable or unfavorable, to a person accused of harassment. Employees must also fully and truthfully answer questions during the course of an unlawful harassment investigation.

SECTION 8. CONFIDENTIALITY

During the investigation, all employees participating in the investigation shall maintain confidentiality about the complaints. At the conclusion of the investigation, employees must abide with the confidentiality provisions of Section 153A-98 of the North Carolina General Statutes.



ALEXANDER COUNTY
UNLAWFUL HARASSMENT COMPLAINT FORM (attachment C)

Employee Information

Name: _____ Employee #: _____

Department: _____

Division: _____

Position: _____

Statement of Complaint

Name(s) of Person(s) Accused of Wrong Doings (include title, if known):

Description of Incident. State specific nature of harassment, how long it has gone on, and any employee action taken (demotion, failure to promote, termination, refusal to hire, transfer, etc.)

Previous Complaint

Have you previously reported such harassment? Yes No

If yes, when and to whom?

When (date): _____

To Whom: _____

Employee Signature

Employee Signature

Date / Time

Complaint submitted to: Dept Head HR Director County Attorney County Manager

Complaint Received By

Printed Name of Person Receiving Complaint

Date / Time

Title

Signature

CHAPTER 15 DISCIPLINARY ACTION

SECTION 1. PURPOSE

To provide a fair and consistent process for correcting and improving performance issues and to take appropriate disciplinary action when performance or conduct does not meet required standards.

All cases of disciplinary action must be reviewed by the Human Resources Director and approved by the County Manager prior to action being taken.

SECTION 2. DISCIPLINARY ACTIONS

Disciplinary actions include written warning, suspension with or without pay, demotion, and termination. The action is based on circumstances. Actions are cumulative and may be taken in varied combinations.

An employee may receive a written warning, be suspended with or without pay, demoted, or dismissed. All written warnings and formal notices of unacceptable performance or conduct must be included in the employee's personnel file maintained in the Human Resources Department.

SECTION 3. PRE-DISCIPLINARY CONFERENCE

Before disciplinary action is taken, the Supervisor must hold a pre-disciplinary conference with the employee. The Human Resources Director, or designee, must attend the pre-disciplinary conference. The notice of a pre-disciplinary conference must include:

- A) The proposed disciplinary action.
- B) The recommended effective date for the suspension, demotion, or dismissal. If demotion is being considered, the notice must include the proposed change in the employee's salary rate and/or pay grade.
- C) The reason(s) for the action.
- D) A day, date, time, and location for the pre-disciplinary conference.

At the pre-disciplinary conference, the employee may present a response to the proposed disciplinary action. The Supervisor must consider the employee's response, if any, and within four working days after the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action.

The County Manager has the final approval on all disciplinary action.

SECTION 4. UNSATISFACTORY JOB PERFORMANCE

Unsatisfactory job performance includes any aspect of the employee's position, which is not performed as required to meet the established standards. Examples of unsatisfactory job performance include, but are not limited to:

- A) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- B) Careless, negligent, or improper use of County property or equipment;
- D) Discourteous treatment of the public or other employees;
- E) Absence without approved leave;

- F) Repeated improper use of leave privileges;
- G) Habitual pattern of failure to report for duty;
- H) Failure to complete work within the required time frames;
- I) Failure to meet work standards over a period of time; or
- J) A rating of "Overall Needs Improvement" as defined in the County's Performance Evaluation Policy.

SECTION 5. DISCIPLINARY PROCEDURES FOR UNSATISFACTORY JOB PERFORMANCE

A) Counseling Session. When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in a counseling session to discuss specific performance issues and plan ways to improve performance.

The supervisor should discuss ways the work is deficient and steps to be taken to improve performance. A brief summary of the counseling session must be documented. The summary must include the dates of discussion, performance deficiencies, ways to improve, time frames for improvement, and follow-up.

B) Disciplinary Action. The degree and type of action taken is based on consideration of the facts. The first disciplinary action is a written warning and two disciplinary actions are required prior to termination. A pre-disciplinary conference, with advance notice, must be held prior to each disciplinary action. A written warning for unsatisfactory job performance must state the following:

- 1) It is a warning;
- 2) Specify the employee's performance deficiencies;
- 3) Specific performance improvements required to achieve satisfactory performance;
- 4) Time limits set for improvement;
- 5) Consequences of failing to make the required improvements; and
- 6) Right of appeal.

A copy of the written warning must be given to Human Resources for placement in the employee's personnel file. If the employee's performance continues to be unsatisfactory, additional disciplinary action may be taken with approval of Human Resources and the County Manager. If unsatisfactory performance continues after at least two disciplinary actions, termination may be recommended to the County Manager.

SECTION 6. GROSSLY INEFFICIENT JOB PERFORMANCE AND UNACCEPTABLE PERSONAL CONDUCT

A) Grossly Inefficient Job Performance includes but is not limited to:

- 1) Causing or resulting in death or serious injury to employee, members of the public, or to persons for whom the employees have responsibility;
- 2) Resulting in the serious loss of or damage to County property or funds adversely impacting the County and/or the work unit; or
- 3) Failing to obtain or maintain legally required certificates, licenses, bonds, or other credentials.
- 4) A rating of "Overall Unacceptable" as defined in the County's Performance Evaluation Policy.

B) Unacceptable Personal Conduct can be intentional or unintentional acts, and job related or where there is a sufficient connection between the conduct and the employee's position.

Examples of unacceptable personal conduct include, but are not limited to:

- 1) Fraud or theft;
- 2) Commission of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of County funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts endangering the lives and/or property of others;
- 7) Possession of unauthorized firearms or other weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol, misuse of prescription drugs, or illegal drugs; or partaking of such while on duty;
- 10) Engaging in incompatible employment or a conflicting interest;
- 11) Requesting or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in prohibited political activity;
- 13) Refusal to perform assigned duties or willful violation of work rules/regulations; or
- 14) Harassment, in any form, of coworkers or the public.

SECTION 7. DISCIPLINARY PROCEDURES FOR GROSSLY INEFFICIENT JOB PERFORMANCE AND UNACCEPTABLE PERSONAL CONDUCT

When an incident of grossly inefficient job performance or unacceptable personal conduct occurs, the Department Head must consider the severity of the incident and must consult with the County Manager for suspension without pay, demotion, or termination. A pre-disciplinary conference is required. No warning or other disciplinary action is required prior to termination.

A pre-disciplinary conference must be conducted with the employee prior to disciplinary action. Advance notice, as is practical under the circumstances, of the pre-disciplinary conference should be given.

SECTION 8. DISCIPLINARY SUSPENSION

An employee may be suspended without pay as a disciplinary action for job performance, grossly inefficient performance, or personal conduct reasons.

A disciplinary suspension without pay for exempt employees must be for a minimum one work week and cannot exceed two work weeks. For non-exempt employees, suspension without pay cannot exceed 40 hours.

Following consultation with the County Manager, an employee may be suspended without pay by the Department Head for causes related to gross inefficiency of performance or personal conduct in order to avoid undue disruption of work, protect the safety of persons or property, or other serious reasons.

When a Department Head takes immediate suspension action with an employee, the employee is required to leave County property immediately, and remain away from County property until further notice. The

Department Head must notify the Human Resources Director immediately once the employee is suspended. A written summary giving the circumstances and facts leading to the suspension, and setting a conference time and location shall be prepared; a copy sent to the employee by certified mail with return receipt requested; a copy is filed in the employee's personnel file; and a copy given to with the County Manager.

SECTION 9. INVESTIGATORY SUSPENSION WITH PAY

Investigatory suspension with pay may be used to provide time to investigate, establish facts, and reach a decision concerning deficiencies constituting just cause. Investigatory suspension with pay may be used to provide time to schedule and hold a pre-dismissal conference. The County may elect to use investigatory suspension with pay to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension with pay shall not exceed 30 calendar days. If no action has been taken by the Supervisor at the end of 30 calendar days, one of the following must occur: reinstatement of the employee or appropriate disciplinary action based on the results of the investigation.

Investigatory suspension of an employee cannot be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

An employee who has been suspended for investigatory reasons may be issued a disciplinary suspension without pay upon their return to work. The decision to deduct pay is to be based upon management's determination of the employee's responsibility for, or contribution to, the reasons for suspension. The deduction in pay will be implemented with the disciplinary action.

If the employee is reinstated following the suspension, the employee does not lose any benefits to which the employee would have been entitled had the suspension not occurred. If the employee is terminated following investigatory suspension, the employee is not be eligible for any pay from the date of suspension; however, all other benefits with the exception of accrued annual leave and sick leave are maintained during the period of suspension.

SECTION 10. DISMISSAL RELATING TO CREDENTIALS

State statute and local rules may require specific licensure, registration, or certification as defined in the class specification. Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule, ordinance, or licensing body. Failure to obtain or maintain the required credentials constitutes a basis for immediate termination without prior warning. Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action.

SECTION 11. EMPLOYEE APPEAL

An employee wishing to appeal a disciplinary action may present the matter by following the grievance procedure in this policy.

CHAPTER 16 GRIEVANCE PROCEDURE

SECTION 1. POLICY

To provide prompt and orderly resolution of a dispute or employee concern regarding a disciplinary action, reduction in force, or performance evaluation. Grievances which are not received within required time period or not filed with the required individuals are ineligible for consideration and are dismissed. This grievance procedure does not apply to employees in the offices of the Sheriff, Register of Deeds, or Board of Elections.

Consistent with these procedures, an employee has the right to present a grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Supervisors or other employees who violate this Chapter are subject to disciplinary action up to and including termination.

SECTION 4. PROCEDURE

A) General Requirements. When an employee has a grievance, the following successive steps must be taken unless otherwise provided. The number of days indicated for each step is considered the maximum, unless otherwise provided, and every effort is made to expedite the process. However, the time limits may be extended by mutual consent. The last step initiated by an employee is considered the step the grievance is resolved. A decision to rescind a disciplinary suspension, demotion, or termination must be approved by the County Manager before the decision becomes effective.

B) Grievance Rights. All eligible permanent employees have grievance rights as follows:

- 1) Performance evaluations and written warnings may be grieved to the Department Head.
- 2) Suspensions without pay, involuntary demotions, and terminations may be grieved to the County Manager.
- 3) Reductions in force may be grieved to the County Manager.

C) Grievance Steps. The employee must do the following:

- 1) File a grievance, in writing, with the Human Resources Director and the immediate supervisor within 15 calendar days of the date of the action being grieved. The written notice must include the date of the disputed action, reasons for the grievance, and the remedy being sought.
- 2) A conference must be scheduled with the employee within seven calendar days to consider the grievance. At the employee's expense, the employee has the right to consult legal counsel. However, no attorneys representing either party may attend the grievance conference.
- 3) The county official must render a written decision within seven calendar days from the date of the conference. The written decision must contain notice of appeal rights, if applicable.
- 4) The County Manager's decision is final. However, the County Manager should inform the Board of Commissioners of any legal action.

SECTION 6. OTHER REMEDIES PRESERVED

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

CHAPTER 17 PERSONNEL RECORDS AND REPORTS

SECTION 1. PERSONNEL RECORD MAINTENANCE

Personnel records, necessary for the administration of the personnel system, are maintained by the County Manager or designee.

SECTION 2. INFORMATION OPEN TO THE PUBLIC

NCGS 153A-98 outlines information which is open to the public for current or former employees.

SECTION 3. CONFIDENTIAL INFORMATION

All information contained in a County employee's personnel file, with the exception of public information pursuant to NCGS 153A-98, is confidential. Confidential personnel information can only be viewed or obtained in limited circumstances, pursuant to law.

SECTION 4. PERSONNEL ACTIONS

The County Manager approves necessary forms and reports for all personnel actions and retains records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the County Manager. These files must contain employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

SECTION 5. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN THE FILE

An employee who objects to material in their file may place in the file a statement relating to the material the employee considers being inaccurate or misleading. The employee may seek the removal of such material in accordance with the grievance procedure.

SECTION 6. PENALTY FOR UNAUTHORIZED ACCESS, USE, OR DESTRUCTION

A) Unauthorized Access. Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file may be charged with a crime pursuant to state law.

B) Use of Records. Any person who is not authorized to access a confidential personnel file and removes or copies any portion of the file may be charged with a crime pursuant to state law.

C) Destruction. No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with state law without the consent of the State Department of Cultural Resources. Whoever unlawfully removes, alters, defaces, mutilates, or destroys a public record may be charged with a crime pursuant to state law.

CHAPTER 18 IMPLEMENTATION OF POLICIES

SECTION 1. CONFLICTING POLICIES REPEALED

All policies, ordinances, or resolutions dated prior to the Board of Commissioners' adoption of this Personnel Policy, are hereby repealed.

SECTION 2. SEPARABILITY

If any provision, regulation, or order is held invalid, the remainder of this policy and the application of such rules, regulations, or orders will not be affected.

SECTION 3. EFFECTIVE DATE

This Personnel Policy is effective the date approved by the Alexander County Board of Commissioners. Revisions effective October 5, 1999; June 2, 2003; October 3, 2005; June 24, 2009; January 19, 2010; November 7, 2011; April 16, 2012; June 10, 2013; February 2, 2015; June 3, 2019; July 1, 2023; May 20, 2024; July 15, 2024; October 7, 2024; January 1, 2025; May 5, 2025; August 4, 2025; October 6, 2025.