



# HUMAN RESOURCES MANUAL

Effective March 1, 2018

Jackson County Human Resources Department  
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# Article I. Organization of the Human Resources System

## Section 1. Mission and Purpose

In the County of Jackson, all citizens and employees will be treated with dignity, respect and fairness.

Employees are the most important asset of county government. The County will, therefore, endeavor to attract and retain the best employees possible. The County values personal and professional growth of all employees and will work to improve the quality of life of employees and other members of the community.

It is the mission of Jackson County Government

to provide courtesy, consideration, and service to the Jackson County taxpayer and public at-large;

to provide management that is skilled, fair, and concerned about the welfare of employees;

to equitably compensate each employee in accordance with the Jackson County employee classification and salary schedule;

to fill vacancies or new positions, when possible, by transfer or promotion from within the County Government;

to discuss willingly and frankly, any problems, concerns, or questions on County personnel policies;

to keep employees informed, when possible, of any changes that may affect them or their families.

The purpose of this ordinance is to establish a human resources system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This ordinance is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina.

With the adoption of the Human Resources Manual, the Jackson County Board of Commissioners is making a good faith effort to comply with all applicable state and federal laws and regulations. While adoption of these policies culminates a comprehensive review and update of the County's personnel policies, it is understood that these policies are not a complete and exhaustive set of policies or procedures that govern employment with the



County and cannot cover every possible situation that may arise. There may be amendments to Human Resources Manual over time. As policies are amended and adopted, employees will be notified of any changes. The most current version of the Human Resources Manual is located on the County's website and a copy will be posted in each department.

## **Section 2. Coverage**

- A. All employees in the County's service, including employees of the County Sheriff and the Register of Deeds, are subject to this policy, except as provided in this section.
- B. Elected officials and the County Attorney are exempt from all provisions of this policy.
- C. The following employees are covered only by the listed articles and sections:
  - 1. Employees subject to the State Human Resources Act shall be subject to all articles except Articles II, IV, VIII and IX.
  - 2. Employees of the North Carolina Cooperative Extension Service shall be subject to all articles except Articles II, III, IV, and VII.
  - 3. Employees of the Board of Elections shall be subject to all articles except Articles IV, VIII, and IX.
  - 4. Employees of the County Sheriff and the Register of Deeds shall be subject to all articles except Article IV, VIII and IX.
  - 5. Temporary employees, as designated by the Board of County Commissioners, shall be subject to all articles except Articles VI and VII.

## **Section 3. Definitions (listed alphabetically)**

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

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

**Appointing Authority.** Any county board or official with the legal authority to make hiring decisions.





**Classification.** Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

**Competitive Service Employee.** An employee of the Department of Social Services; the Department Of Public Health; or the Office of Emergency Management receiving federal grant-in-aid funds and subject to the State Human Resources Act.

**Cost-of-Living Increase.** An annual adjustment that may be made by the Board of County Commissioners to all pay ranges effective July 1 of each year.

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

**Full-Time Employee.** An employee appointed to a permanently established position who is regularly scheduled to work 40.0 hours or more per workweek, is paid on a salary basis, and is designated by the Jackson County Board of Commissioners as full-time.

**General County Employee.** A County employee not subject to the State Human Resources Act.

**Grievance.** Any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the County.

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

**Immediate Family Member.** Unless otherwise stated, immediate family is defined as a spouse, child, mother, father, sibling, grandparent or grandchild.

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

**Parent.** A biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.

**Part-Time Employee.** An employee appointed to a permanently established position who is regularly scheduled to work less than twenty-nine (29) hours per workweek, is paid on an hourly basis, and is designated by the Jackson County Board of Commissioners as part-time.



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

**Performance Evaluation System.** An annual review of an employee's performance, designed to facilitate fair and equitable merit pay decisions, recognizing performance as the basis for pay increases within the established pay range.

**Permanent Employee.** An employee who has completed one (1) year of satisfactory County service and has been approved for permanent status by his or her department head (with the approval of the Jackson County Board of Commissioners.)

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

**Permanent Part-Time Position.** A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which can be performed in less than a regular workweek. Employees will have to serve the probationary period.

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

**Position Classification Plan.** A plan approved by the Board of County Commissioners that assigns classifications (positions) to the appropriate pay grade.

**Probationary Employee.** An individual appointed to a permanent position who has served less than one (1) year in the position, employees subject to the State Human Resources Act will follow the Office of State Human Resources Policy and agency specified period for probationary status.

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

**Reclassification.** The reassignment of an existing position from one classification to another based on changes in job content.

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

**Salary Plan Revision.** The raising or lowering of the salary ranges of every grade within the salary plan.



**Salary Range.** The minimum and maximum salary levels for a given classification for hiring purposes.

**Salary Range Revision.** The raising or lowering of the salary range for one or more specific classifications of positions within the classification plan.

**Salary Schedule.** A listing by grade and step of all the approved maximum, intermediate, and minimum salary ranges authorized by the Board of County Commissioners for various position classifications of County government for hiring purposes.

**Temporary Employee.** An individual appointed to a position for which either the average work week required by the County over the course of the year is less than 20 hours per week (1000 hours per year), or continuous employment required by the County does not exceed twelve (12) months.

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

**Time-Limited Appointment.** A permanent or temporary appointment that is approved for specific time-period not to exceed three (3) years. Time-limited appointments are made, but are not limited to, filling vacancies due to an incumbent's leave of absence, in response to unusual workload demands, vacancies in the workforce, or specific to position funding such as grants, which expire after a specified time.

**Trainee or Work Against Employee.** An applicant hired to a classification who does not meet all the established requirements.

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

#### **Section 4. Merit Principle**

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



## **Section 5. Responsibility of the Board of County Commissioners**

The Board of County Commissioners shall establish personnel policies, rules, and procedures, including the classification and pay plan, and shall make and confirm all Department Head appointments.

## **Section 6. Responsibility of the County Manager**

The County Manager shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager, after recommendation of the Human Resources Director, shall recommend all appointments, suspensions, and removal of all County officers and employees, except those elected by the people or those whose appointment is otherwise provided for by law or subject to the State Human Resources Act. The County Manager shall recommend appointments, dismissals, and suspensions in accordance with G.S. 153A-82, Jackson County Resolution R11-18, and Articles IV, V, and VIII of this personnel ordinance.

## **Section 7. Responsibility of the Human Resources Director**

The Human Resources Director shall prepare and maintain the position classification plan and the pay plan. The Human Resources Director will assist with recruitment and selection of employees, staff development and training, interpretation of policy and procedure, establish and maintain a performance evaluation system for employees and administer the benefits program. The Human Resources Director will perform such other duties in personnel administration as the position shall require.

## **Section 8. Responsibility of Employees**

Employees are responsible for becoming familiar with and complying with the content of the policies contained herein. Individuals with any questions about the policies and how they may apply are encouraged to contact their supervisor, Department Head or the Human Resources Director.



## **Article II. The Position Classification Plan**

### **Section 1. Adoption**

The position classification plan, as from time to time approved by the Jackson County Board of County Commissioners, is hereby adopted as the position classification plan for Jackson County. Position classification is one of the most important steps which can be taken toward the development of efficient personnel administration. It provides the basis for an equitable and logical pay plan, for meaningful standards of recruitment and selection, budget maintenance and improved organization.

### **Section 2. Allocation of Positions**

The Jackson County Board of Commissioners, at the recommendation of the County Manager and Human Resources Director, shall allocate each position covered by the classification plan to its appropriate classification in the plan.

### **Section 3. Administration**

The Human Resources Director shall be responsible for the administration and maintenance of the position classification plan to accurately reflect the duties performed by employees in the classifications to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the County Manager and Human Resources Director (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.

New positions shall be established only with the approval of the Jackson County Board of Commissioners after which the Human Resources Director shall either (1) allocate the new position to the appropriate classification within the existing classification plan and submit Personnel Action Form for approval by County Manager and Finance Director, or (2) upon approval of the County Manager and Department Head recommendation that the Jackson County Board of Commissioners amend the position classification plan to establish a new classification to which the new position may be allocated.

When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director shall (1) direct that the existing job description be revised or (2) recommend that the County Manager and/or the Jackson County Board of Commissioners amend the position classification plan to establish a new classification to which the position may be allocated.



Health and Social Services positions shall conform to the Office of State Human Resources guidelines. All reclassifications shall follow the guidelines outlined by the Office of State Human Resources to include completion of a PD118 signed by the Agency Director and County Manager and PD102R. All state approved reclassifications shall be furnished to the Human Resources Director and the Jackson County Board of Commissioners.

#### **Section 4. Amendment**

Classes of positions shall be added to and deleted from the position classification plan by the Jackson County Board of Commissioners based on the recommendation of the Human Resources Director and the County Manager.



## **Article III. The Pay Plan**

### **Section 1. Adoption**

The Salary Schedule, reflecting both grade level and minimum, mid-point, and maximum, salary as approved by the Board of County Commissioners, is hereby adopted as the pay plan for Jackson County.

### **Section 2. Maintenance of the Pay Plan**

The Human Resources Director shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to comparable rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the County, and other objective factors. To this end, the Human Resources Director shall, as necessary, make comparative studies of all factors affecting the level of salary ranges and recommend to the County Manager and County Commissioners such warrantable changes in salary ranges.

### **Section 3. Administration of the Pay Plan**

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

The following provisions shall govern the hiring rate, as well as the granting of within-range pay increments:

*Hiring Rate/Starting Salary.* All employees will normally be hired at the minimum of their assigned salary grade. Appointments above the minimum may be made by the County Manager in accordance with pay policies adopted by the Jackson County Board of County Commissioners.

An employee's absence from work, due to sick leave without pay, Workers' Compensation, or any other authorized leave, may be cause for the Department Head to request an extension for the annual performance appraisal review so as to allow adequate appraisal of performance.



#### **Section 4. Payment at a Listed Rate**

All employees covered by the pay plan shall be paid at a rate within the salary ranges established for their respective job classifications except for employees in a trainee and/or work against status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

When an employee attains the maximum rate of a salary range for his/her present position, no further salary increase will be received unless:

1. the position is reclassified;
2. the employee is promoted to another position with a higher salary range, or;
3. the salary range for the present position is increased;
4. the salary is approved by the Jackson County Board of Commissioners in the adopted fiscal year budget.

#### **Section 5. Salary of Trainee and/or Work Against**

An applicant hired, or employee promoted to a position in a higher classification who does not meet all the established requirements of the position, shall be appointed, with the approval of the Department Head, County Manager, and Jackson County Board of Commissioners to a salary below the minimum salary for that classification. This approval should be subject to the guidelines established by the Office of State Human Resources regarding necessary hours of experience. Employees subject to the State Human Resources Act will be designated "Trainees" and/or "Work Against" in accordance with rules and regulations established by the Office of State Human Resources. An employee in a trainee and/or work against status shall continue to receive a reduced salary until the Department Head and Human Resources Director reports to the County Manager that the trainee and/or work against is qualified to assume the full responsibilities of the position, at which time the County Manager shall approve full responsibilities and subsequent rate of salary.

#### **Section 6. Pay Rates in Promotion, Demotion, Transfer, and Reclassification**

When an employee is promoted, demoted, transferred or reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

1. Promotion

When a promotion occurs, the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the classification to which he/she is promoted. If an employee's current salary is already above the new minimum salary rate, his/her salary may be adjusted ten percent





(10%) upward or left unchanged at the recommendation of the Department Head, Human Resources Director and approval of the County Manager provided that the adjusted salary does not exceed the maximum of the assigned salary range.

## 2. Demotion

When a demotion occurs, and the employee's current salary falls above the maximum of the range for the lower classification, the employee's salary may remain the same until general schedule adjustments or range revisions bring it back within the lower range; or the employee's salary may be reduced to any level in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. Action of the above shall be the responsibility of the Department Head with recommendations from the Human Resources Director and approval of the County Manager or in the case of Department Heads, by the County Commissioners.

## 3. Transfer

When a transfer occurs from a position in one classification to a position in another classification, assigned to the same pay range, the employee shall continue to receive the same salary. When an employee is temporarily transferred from a position in one classification to a position in another classification, at a higher grade, they shall be paid at the higher rate while in said temporary position. When an employee requests a transfer to a position assigned to a lower pay range, the employee's pay shall be set at the equivalent rate in the new pay range provided that does not exceed the rate at which the employee was paid in the position from which he/she was voluntarily reassigned. For example, if the employee was paid at 110% of the minimum of the previous range, the new pay rate will be 110% of the minimum of the new lower pay rate.

## 4. Reclassification

When an employee's position is reclassified to a classification having a higher salary range, due to change in organizational structure, or assignment of additional duties and/or responsibilities, or labor market adjustment, the employee's salary will be increased five percent (5%) or will be increased to the minimum of the new range established for the classification, whichever is higher at the recommendation of the Human Resources Director with approval from the County Manager in accordance with pay policies adopted by the Jackson County Board of County Commissioners.

When an employee's position is reclassified to a classification having a lower salary range, due to change in organizational structure, reclassification by the Office of State Human Resources or changes in duties and/or responsibilities, the employee's salary will not decrease and will be set at a rate within the new range established for the classification at the recommendation of the Human Resources Director with approval



from the County Manager in accordance with pay policies adopted by the Jackson County Board of County Commissioners.

### **Section 7. Pay Rates in Salary Range Revision**

When the Jackson County Board of Commissioners approves an upward change in salary ranges for all classifications of positions, the salaries of employees whose positions are affected will be adjusted upward at a set percentage. Such salary range revisions may include cost of living adjustments or labor market adjustments to ensure competitive regional salaries.

### **Section 8. Pay for Part-Time Work**

Compensation of any employee appointed for less than 40.0 hours a week shall be computed on a pro rata salary or hourly basis. All employees who work less than 40.0 hours a week will be covered by Worker's Compensation and Social Security. Other benefits are available as provided in Article VII.

### **Section 9. Overtime**

1. To the extent that local jurisdictions are so required, the County will comply with all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The Human Resources Director, following FLSA regulations, shall determine which jobs are non-exempt and are, therefore, subject to the Act in areas such as hours of work, work periods, rates of overtime compensation, and other provisions.
2. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks or at any time that they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
3. It is the policy of the County that non-exempt employees receive compensatory time off at a rate of one-and-one-half (1-1/2) hours for each hour of overtime worked. For the purposes of defining and computing overtime, authorized or unauthorized absences from duty shall not be considered as time worked i.e. holidays or other leave types taken. However, the County Manager may approve pay to employees for overtime work when it is not feasible to permit compensatory time off.



Compensatory Leave will be taken off before any other annual or sick leave is approved. Compensatory Leave for exempt employees is described in Article VI. Section 8.

4. Non-exempt employees who work in public safety activities, emergency response activities, or seasonal activities may accrue not more than 480 hours of compensatory time for overtime hours worked, and will earn overtime in compliance with the Fair Labor Standards Act rather than as stated in 3 above. All other non-exempt employees may accrue not more than 240 hours of compensatory time for overtime hours worked.
5. Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the County.

#### **Section 10. Payroll Deductions**

Federal and state income taxes, Social Security tax, and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. All County employees must participate in direct deposit for issuance of payroll monies.

#### **Section 11. Payroll Procedure**

All employees shall be paid on a bi-weekly basis, with every other Friday, as the designated payday.

#### **Section 12. Effective Date of Salary Adjustments**

All salary adjustments shall become effective on the first day of the payroll cycle. In the event that the salary adjustment cannot be administered within the current payroll period, when it actually does occur, the pay shall be retroactive to the approved effective date of the adjustment. Retroactive payments for salary adjustments will only be granted within the current fiscal year.



## **Article IV. Recruitment and Selection**

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

Jackson County recognizes its continued success in meeting the needs of its citizens requires the full and active participation of talented and committed individuals, regardless of their gender, race, color, creed, religion, national origin, disability or political affiliation. It is the policy of the County to foster, maintain, and promote equal opportunity by use of a systematic, consistent recruitment program, and to identify and attract the most qualified applicants for employment with the County. This policy is to be achieved by announcing all position vacancies, by evaluating all applicants using the same criteria, and by applying testing methods through the NC Career Works Office. Selection decisions are made without regard to race, color, religion, sex, national origin, political affiliation, disability, age, or sexual orientation.

### **Section 2. Recruitment - Responsibility of the Human Resources Director**

The Human Resources Director is responsible for an active recruitment program to meet current and projected staffing needs of the County using procedures that will ensure equal employment opportunities are afforded to current and prospective employees based on job-related requirements.

Recruitment of positions subject to the State Human Resources Act or positions in the offices of elected officials or the Board of Elections are not the responsibility of the Human Resources Director.

Recruitment efforts of the Human Resources Department and all County departments will be coordinated in a timely manner.

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

All vacancy announcements for full-time, part-time, permanent and temporary positions shall be posted for a minimum of, but not limited to, seven (7) working days at (1) the County Human Resource Department and (2) the Jackson County website, (3) the local NC Career Works Office. Optional recruiting publicity shall be carried out through the media, as appropriate. Position vacancy announcements shall contain, at a minimum, (1) the title, the grade, and the location of the position; (2) the closing date of the announcement; (3) a summary of the duties of the position; (4) a summary of the basic qualifications; (5) the procedures for making application; and (6) a statement of equal employment opportunity.



It shall also be County policy to make all job vacancy announcements accessible to current employees by providing each department with a copy of the announcement to be posted within the department in a high-traffic, high-visibility area. Jackson County may post and distribute job vacancy announcements internally first to assess if there are qualified internal applicants eligible for promotion or transfer, before positing externally when deemed appropriate.

#### **Section 4. Application for Employment**

A county approved employment application shall be the standard application accepted for all position listings. No agency or a department may accept employment applications; all referrals must be made through the County Human Resources Department or the local NC Career Works Office.

#### **Section 5. Applicant Tracking**

- A. The Human Resources Director shall be responsible for maintenance of records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process, and the pool of applicants considered for each vacancy.
- B. The applicant pool data for each position shall include an alphabetized listing of all applicants, address, phone number, referral sources and test scores, when applicable, for each position vacancy announcement. In addition, EEO-4 forms, providing data on race and sex of applicants, shall be maintained by the Human Resource Department.
- C. All applications will be kept on file for a minimum of two (2) years from the date of the original application.

#### **Section 6. Qualification Standards & Position Requirements**

- A. All applicants considered for employment or promotion shall meet the employment standards established by the classification specifications relating to the position to which the appointment is being made.
- B. All appointments shall be made on the basis of merit and without regard to race, color, religion sex, national origin, political affiliation, disability, age or sexual orientation.
- C. Consideration may be given to "Trainee" appointments when there is an absence of qualified applicants from which to make a selection. In this instance, the deficiencies may be eliminated through orientation and on-the-job training, and the classification is



granted a trainee status by the County Manager at the recommendation of the Human Resources Director for (General County Positions) or Office of State Human Resources (all positions subject to the State Human Resources Act).

- D. **Work-Against Appointment.** When qualified applicants are unavailable and there is no trainee provision for the vacant classification, an appointment may be made below the level of the regular classification in a work-against situation, for the purpose of allowing the employee opportunity to gain the qualifications needed for the full classification, through on-the-job experience. The appointee must meet the minimum education and experience standard of the classification to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full classification of the position in question.
- E. The Jackson County Board of County Commissioners may adopt residency requirements for certain County positions. The County Manager and Department Heads are required to be a resident of Jackson County unless otherwise approved by the Board of County Commissioners.

## **Section 7. Selection**

Department Heads (in cooperation with the Human Resources Director) shall develop, utilize, and document, on a consistent and routine basis, a selection process which best suits the needs in filling positions within each agency/department. All selection methods developed and utilized by the Department Heads shall be valid measures of job performance.

In filling vacancies, every effort should be made to promote qualified employees from within before outside replacement is considered.

## **Section 8. Appointments**

It is the policy of the County of Jackson to employ according to merit and qualification in consideration of such factors as aptitude, attitude, education, knowledge and skills, character, physical and other attributes required for positions in the service of the County.

The Jackson County Human Resources Director and the Department Head of the vacant position will screen applications down to a qualified pool and interview.

The Jackson County Human Resources Director and Department Head, after interviewing applicants for positions with the County, will make recommendations to the County Manager the name or names of persons to fill any existing vacant positions.



The County Manager will have the responsibility for making and approving all appointments to vacant positions, with the exception of Department Heads, employees subject to the State Human Resources Act, employees appointed by the Board of Elections or employees whose positions are at the pleasure of an elected official i.e. the Sheriff's office and the Register of Deed's office. The Sheriff and the Register of Deeds shall have authority over appointments in their respective departments, with the county Human Resources Director determining the class and the salary of new employees.

The Board of Commissioners must approve the appointment by the Sheriff or the 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 starting salary will be set in accordance to Article III. The Pay Plan. All new employees will serve in a probationary status as outlined in the following section.

- A. Temporary Appointment. A temporary appointment may be made to permanent or temporary positions and shall be limited to a maximum duration of twelve (12) months. Any individual appointed to a temporary position will not be eligible for paid leave and/or any other fringe benefits, excluding Social Security Insurance and Workers' Compensation Insurance.
- B. Permanent Appointment. A permanent appointment is an appointment to a permanently established position where the incumbent is expected to be retained in the position on a permanent basis. Permanent appointments follow the satisfactory completion of a probationary period of employment, as explained in this personnel policy manual.
- C. Full-Time Appointments. A full-time appointment is an appointment to a position where the employee is expected to work a minimum of 40.0 hours per week.
- D. Part-time Appointments. A part-time appointment is an appointment to a position where the employee is regularly scheduled to work less than 29 hours per week and is paid on an hourly basis.

## **Section 9. Probationary Period of Employment**

An employee appointed to a permanent position shall serve a probationary period of one (1) year. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period. Following successful completion of the probationary period, the employee may be dismissed only as provided in Article VIII.



## **Section 10. Promotion**

Candidates for promotion shall be chosen on the basis of their qualifications. First consideration for filling position vacancies shall be given to employees already in service with the County. If a current employee is chosen for promotion, the department head shall forward the request to the Human Resources Director with recommendations for classification and salary along with reasons for selecting the employee over other applicants. Recommendations for promotion of current employees shall be based on documented performance appraisal instruments that evidence achievement and outstanding performance. After considering the Department Head's recommendation, the County Manager shall confirm or reject the appointment. If the County Manager confirms the appointment, the starting salary will be set in accordance with pay policies adopted by the Jackson County Board of County Commissioners.

## **Section 11. Demotion**

- A. An employee whose work is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be made in accordance with the procedures in Article VIII. The employee shall be provided with written notice citing the recommended effective date of the demotion, the reasons for the demotion, and the appeal rights available to the employee as stated in Article VIII of this ordinance.
- B. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the procedures in Article VIII of this ordinance.

## **Section 12. Transfer**

- A. If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be forwarded to the Human Resources Director during the recruitment period for the position. The request for transfer shall be subject to approval of the County Manager acting on the recommendation from the Department Head and the Human Resources Director. Any employee transferred without his or her having requested it, may appeal the action in accordance with the grievance procedure in Articles VIII or IX.
- B. Any employee who has successfully completed a probationary period who transfers to another position and/or department may be required to serve an additional probationary period of six (6) months at the discretion of the Department Head.





## Article V. Conditions of Employment

### Section 1. Workweek

The usual hours of work shall be 40.0 per week unless otherwise required.

### Section 2. Gifts and Favors

Jackson County employees are to serve all persons fairly and equitably with regard to personal or financial benefit. Therefore, all County employees are prohibited from accepting a non-monetary gift that exceeds a nominal value, and:

- A. No official or employee of the County shall accept any gift, whether in the form of a service, loan, thing of value, or promise from any person, firm or corporation, who in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.
- B. No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.
- C. No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.
- D. Gratuities in the form of money shall be refused by all County employees.

Any County employee who violates this policy is subject to disciplinary action up to and including dismissal.

### Section 3. Political Activity Restricted

- A. Every employee of Jackson County has a civic responsibility to support good government by every available means and in every appropriate manner. The public has the right to expect excellent service from all County employees on an equal basis without regard to political affiliation. Further, the public should be free from the appearance that support, or non-support, of a person's candidacy for political office may have an effect on the services provided by the County. County employees may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the *Constitution* and state and federal laws. However, no employee of Jackson County shall:



1. engage in any political or partisan activity while on duty;
  2. use official authority or influence for the purpose of interfering with or effecting the result of an election or a nomination for office;
  3. be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
  4. coerce or compel contributions for political or partisan purposes by another employee of the County; or
  5. use funds, supplies, or equipment of the County for political or partisan purposes.
- B. Employees whose salaries are paid for entirely by federal funds are subject to the Hatch Act may not be candidates for elected office in a partisan election.
- C. Any violation of this section may subject the employee to dismissal or other disciplinary action.

#### **Section 4. Unlawful Workplace Harassment**

The purpose of this policy is to establish that Jackson County does not tolerate any form of workplace harassment of employees and to ensure that work sites are free of unlawful workplace harassment. This policy also prohibits retaliation against employees who file complaints, witnesses to unlawful workplace harassment, and persons providing evidence in relation to harassment complaints.

The policy of Jackson County is that no employee, regardless of position, may engage in conduct that falls under the definition of unlawful workplace harassment defined below, including, but not limited to, sexual harassment. All employees have a right to work in an environment free from unlawful workplace harassment and retaliation. The desired standard of employee behavior is one of cooperation and respect for each other despite any differences.

***Unlawful workplace harassment defined:*** *unwelcome or unsolicited comments, treatment, or conduct based upon age, race, sex, religion, color, national origin, political affiliation, disability, or sexual orientation, that creates a hostile work environment or circumstance involving quid pro quo. Conduct that may rise to the level of creating a hostile work environment includes verbal, nonverbal, or physical behavior that both a reasonable person would find hostile or abusive and one that the particular person, who is the object of the harassment, perceives to be hostile or abusive. Hostile work environment is determined by looking at all circumstance or incidents, including frequency of alleged harassing behavior, severity, and whether it unreasonably interferes with an employee's performance or adversely affects the employee's employment opportunities.*



Unlawful workplace harassing behaviors may be overt or subtle, and include physical, verbal or nonverbal acts. Behaviors that are of sexual nature and viewed as unwelcome, offensive or abusive by the recipient are considered unlawful sexual harassment. The behaviors listed below are illustrative, though not exhaustive, of the types of behaviors that are prohibited by Jackson County's Unlawful Workplace policy.

- *Physical Acts:* Unwelcome touching, pinching, patting, fondling, massaging, kissing, hugging, grabbing, brushing against a person's body, blocking a person's path, exposing oneself or coercing sexual intercourse.
- *Verbal Behaviors:* Foul or obscene language, sexual propositions, sexual innuendo, crude jokes about gender-specific traits, threats, discussing sexual activities, commenting on someone's physical attributes or spreading false rumors about a person's sex life.
- *Nonverbal Conduct:* Sexually explicit pin-ups or calendars depicting nude or partially nude women or men, sexual graffiti, pornography, sexual cartoons, unseemly gestures or facial expressions, whistling, catcalls, suggestive noises, crude pranks or giving gifts or letters of a sexual nature, including nonverbal communications via email, internet, or other electronic transmission methods.

- A. Reporting a complaint of any kind is difficult since complaints generally involve a supervisor or a coworker. However, an employee who believes that he or she may have a complaint of harassment is advised to file the complaint directly with his/her supervisor, Department Head, Human Resources Director, Agency Director or County Manager. This procedure does not require reports to be made to the immediate supervisor or to anyone the employee believes to be participating in the unlawful workplace harassment. Employees are encouraged to speak with whomever they feel the most comfortable from those listed above. The supervisor, Department Head, Human Resource Director, Agency Director, or County Manager will prepare a written statement documenting the received complaint. Any supervisor, Department Head or other County Official who receives a complaint of harassment shall report the matter to the Human Resources Director immediately. Complaints will be promptly investigated by the Human Resources Director, or in case of absence, a designee, under no condition will the investigation be conducted by or under the direction of person(s) reported to have engaged in the unlawful workplace harassment. If the alleged harasser is employed in the Human Resources office, then the employee shall report the complaint to the County Manager or Clerk to the Board.
- B. Confidentiality and the dignity of those involved in a complaint are important. Considering the sensitive nature of harassment complaints, every effort will be made to keep the complaint and the name of the employee confidential and on a need to know basis. However, due to the nature of conducting investigations, confidentiality cannot be guaranteed. Reports, including the final report, will be distributed only to persons having a need or right to know.



- C. The County has 60 days to take remedial action, if any, in response to a complaint. Otherwise, complainants in Public Health or Social Services have the right to appeal directly to the Office of Administrative Hearings and the State Human Resources Commission or like complainants in other departments may appeal directly to the County Manager through the County grievance procedure.
- D. Investigation files shall remain separate and apart from personnel files. Neither the claimant nor the alleged harasser has a right to the contents of these files. Any personnel action such as discipline, which might result from an investigation, shall be filed in the employee's personnel file.
- E. In furtherance of this policy, the County prohibits any retaliatory action of any kind taken by an employee of the County against any other employee because that person made charges, testified, assisted or participated in any manner in a hearing, proceeding or investigation of workplace harassment or employment discrimination.
- F. Grievances: It is the intent of the County to provide a system of employee appeals or grievances which is substantially equivalent to the system developed and maintained by the State of North Carolina under G.S. 126-1 et seq. in order to maintain harmonious and cooperative relationships between the County and its employees, it is the policy of the County to provide for the settlement of complaints through an orderly complaint procedure free from interference, discrimination, or reprisal. The complainant shall file all correspondence regarding grievances with the Human Resources Director. Grievances, which are not filed with the Human Resources Director as prescribed in this Section, shall be dismissed.

## **Section 5. Workplace Violence**

Jackson County is committed to preventing workplace violence and to maintaining a safe working environment. The intent of the policy is to ensure that Jackson County employees are free from intimidation, harassment, or other threats of or actual violence that may occur on-site or off-site during working related activities. All employees, citizens, vendors and other individuals should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, bullying, "horseplay," or other conduct that may be dangerous to others.

### **A. Prohibited Conduct**

The County will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.



This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging County property or property of another employee or citizen;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

## **B. Reporting Procedures**

All workplace violence events or potentially dangerous situations must be reported immediately to a supervisor or the Human Resources Department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. Retaliation against any employee who, if in good faith, reports a violation of this policy is prohibited. Every effort will be made to protect the safety and confidentiality of anyone who comes forward with concerns about a threat or act of violence. All parties involved in a situation will be counseled and the results of investigations will be discussed with them to the fullest extent allowed without breaching any confidentiality restrictions. The County will actively intervene at any indication of a possibly hostile or violent situation.

## **C. Risk Reduction Measures**

Hiring: The County takes reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior. Background checks are conducted prior to the initial appointment of an employee and conducted for all rehires.

Safety: The County conducts inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks. All employees are issued an identification badge upon hire. Employee identification badges must be worn or carried by employees during all working hours to be able to identify oneself as a Jackson County employee as needed or during time of emergency.

Individual Situations: While there is no expectation that employees be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:



- Bringing or threatening to bring weapons to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

#### **D. Dangerous/Emergency Situations**

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, employees are to call 911 or proper authorities in all emergency situations.

#### **E. Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts, while functioning in the course and scope of employment as well as when off-duty violent conduct has a potential to adversely impact the employee's ability or the ability of another employee to perform assigned duties and responsibilities, will be subject to disciplinary action, up to and including dismissal. Non-employees engaged in violent acts on or off County property will be reported to the proper authorities

### **Section 6. Non-Retaliation Policy**

- A. No person will be adversely affected in employment with the County because of initiating complaints of unlawful harassment or participating in an unlawful workplace harassment investigation, concerns or complaints under the workplace violence policy.
- B. Other protected activity includes, but is not limited to:
1. Initiating an internal complaint or report of discrimination or harassment;
  2. Filing a claim of discrimination;
  3. Requesting an accommodation for a disability;
  4. Filing a Workers' Compensation claim following a work-related injury;
  5. Requesting leave under the Family and Medical Leave Act; or
  6. Filing a safety or environmental related complaint with state and/or federal oversight agencies.
- C. Any instances of alleged retaliation or retribution should be reported by the employee to his/her supervisor, Department Head, Agency Director or Human Resources Director. Any supervisor, Department Head or other County official who receives a complaint of retaliation shall report the matter to the Human Resources Director immediately.



Complaints will be promptly investigated by the Human Resources Director, or in case of absence, a designee, under no condition will the investigation be conducted by or under the direction of person(s) reported to have engaged in the retaliation. If the alleged is employed in the Human Resources office, then the employee shall report the complaint to the County Manager or Clerk to the Board.

## **Section 7. Outside Employment**

The work of the County will take precedence over other occupational interests of employees. All outside or secondary employment for salaries, wages, or other compensation and all self-employment must be reported in advance to the employee's Department Head to review such employment for possible conflict of interest.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on Jackson County. Examples of conflicts of interest in outside employment include but are not limited to:

- a) Employment with organizations or in capacities that are regulated by the employee or the employee's department; or
- b) Employment with organizations or in capacities that negatively affect the employee's perceived integrity, neutrality, or reputation related to performance of the employee's County duties.

Determination of conflict shall be made by the employee's Department Head, Human Resources Director and/or County Manager, or Agency Director of employees subject to the State Human Resources Act.

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Jackson County. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to Jackson County's scheduling demands, regardless of any existing outside work requirements.

If Jackson County determines that an employee's outside work interferes with performance or the ability to meet the requirements of Jackson County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain a Jackson County employee.





## **Section 8. Limitations of Employment of Relatives (Nepotism Policy)**

The employment of close relatives within the same local department or unit is to be avoided unless significant recruitment difficulties exist. For the purposes of this policy, immediate family is defined as spouse, mother, father, guardian, brother, sister, child, grandparent, grandchild, and the various combination of half, step, in-law and adopted relationships that can be derived from the named. Two members of an immediate family shall not be employed within the same department or unit if such employment will result in one supervising a member of his/her immediate family, or where one member occupies a position which has influence over the other's employment, promotion, salary administration and other related management or personnel considerations. Members of an immediate family may be employed in the same department or unit, provided that an immediate family member does not directly supervise another immediate family member.

The Board of Commissioners must grant approval prior to appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of the nearer kinship than first cousin as required by N.C.G.S. §153A-103.

## **Section 9. Travel Expense and Reimbursement**

- A. Employee Responsibility - An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess cost, circuitous routes, delays or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for unauthorized costs and any additional expenses incurred for personal reference or convenience. Each traveler is responsible for his/her own expenses (both employees and non-employees). The County should not be billed for the individual travel related expenses.
- B. Travel Advances - Funds may be advanced to permanent employees for expenses to be incurred in approved travel on County business. When submitting a "Request for Advance," the request must be submitted to the Finance Office at least two weeks prior to the date of need, to provide adequate time for the check preparation. The advance may be issued to the traveler no sooner than five (5) calendar days prior to travel. All travel advances must be cleared no later than thirty (30) days after the travel period.
- C. Travel Reimbursements - Immediately following the travel period a "Request for Reimbursement of Travel and Other Expenses" form should be submitted to the Finance Office. All requested information should be provided on the reimbursement form and required receipts should be attached.





- D. Travel by County Officials Which Involves Political Functions or Meetings - County funds may not be used to pay travel and/or subsistence costs, which are related to an individual's attendance at a political function or meeting.
- E. Forms - Forms are available from the Department Head or Finance Office.
- F. Transportation -
  - 1. County Vehicles - When travel by vehicle is determined to be feasible, a County vehicle, when available should be used instead of a private vehicle.
  - 2. Private Vehicles - When private vehicles are approved for use on official business for the convenience-of-the-County, reimbursement will be made at the rate set by the adopted fiscal year budget. Convenience-of-the-County is defined as no availability of County vehicle.
  - 3. Commercial Airlines - Tickets for commercial air travel may be purchased by the traveler and reimbursement claimed on the Travel Reimbursement form. (A copy of the receipt must be attached.)
    - a. Super Saver Rates - When traveling by common carrier to conduct official County business, employees traveling to their destination earlier than necessary or delaying their return to avail the County of reduced transportation rates may be reimbursed subsistence for additional travel days if the amount saved in transportation cost due to the earlier and/or delayed travel is greater than the loss of productivity and additional subsistence. The amount of savings must be noted on the Budget Division Authorization. Prior approval is required.
    - b. Reimbursement for travel between the employee's duty station and the nearest airline terminal and for airport parking is limited to a maximum of two round trips with no parking charge, or one round trip with a parking charge for a maximum of ninety-six (96) hours. Travel by private car is reimbursed in accordance with the provisions of this article and section. Parking charges exceeding the ninety-six (96) hour maximum are reimbursable if the total mileage and parking charge does not exceed the mileage cost of two round trips with no parking charges. Receipts are required for airport parking claims exceeding \$3.00.
    - c. Reimbursement for travel to and from the airline terminal at the employee's destination is limited to one round trip limousine, bus or taxi fare. In situations where one way trip costs exceed \$20.00, a receipt is necessary.
- G. Bus and Train - The actual cost of coach fare for rail and bus service on County business is reimbursable, as is the actual cost of a pull man fare when overnight trips are required. (A receipt copy of the ticket must be attached.)



- H. Taxi - The actual cost of taxi fare is reimbursable when traveling on County business. (A receipt copy must be attached.)
- I. Rental Cars - Rental cars are to be used as the last resort when inter-city travel is required. A receipt copy of the paid rental contract must be submitted for reimbursement. The County will not reimburse for optional insurance coverage.
- J. Parking and Tolls - Parking and tolls are reimbursable when incurred while traveling on official County business. Receipts must be provided when cost exceeds \$3.00 per day.
- K. Charter Aircraft Flights - The use of charter aircraft by County employees must have the approval in advance. Approval to use a charter flight depends upon a determination, documented in writing, that the charter flight is more economical than commercial air fare, or the use of a charter flight is necessary because of unusual circumstances.
- L. Subsistence (Meals and Lodging) - Subsistence is an allowance related to lodging and meal costs. For purposes of determining eligibility for allowances, travel status means being away from the employee's normal duty station. The duty station is defined as the location or near vicinity of the employee's work place. To be eligible for allowances in connection with travel, the employee must be acting in official capacity as required by his/her work activities.
- M. Overnight Travel - Employees receive allowances for meals and lodging for full days of travel involving overnight stays. Reimbursement for lodging may only be made in the amount documented by a receipt for actual lodging expenses from a commercial lodging establishment at the single room rate. Reimbursement for lodging is limited to current state rates per night, out of state rate will not be paid unless advance approval for excess lodging expense has been obtained prior to the travel. Employees may also receive allowances for partial days (less than 24-hour period) when the day of departure or the day of return involves an overnight stay. To be eligible for specified meals on partial days the employee must:

***RECEIPTS ARE NOT REQUIRED FOR MEAL REIMBURSEMENTS***

*Meals are reimbursed when travel occurs as described below and are reimbursed at the prevailing rate established in the adopted fiscal year budget.*

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Breakfast	Depart duty station prior to 6:00 a.m.
Lunch	Depart duty station prior to 10:00 a.m. (day of departure) or return to duty station after 2:00 p.m.
Dinner	Return to duty station after 8:00 p.m.

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**IN STATE \$32.00 OUT OF STATE \$36.00**



Employees are encouraged to stay at conference sites when opportunities for continuing education and professional enhancement are deemed beneficial to County employees.

N. Daily Travel (not overnight) -

1. Allowances for breakfast may be paid if the employee's departure time is prior to 6:00 a.m.
2. Allowances for lunch may be paid to the employee if business travel necessitates the employee being away from the duty station or assigned area, departure time is prior to 10:00 a.m. and return time is after 2:00 p.m.
3. Allowances for the evening meal may be paid if the return time is after 8:00 pm.
4. The meal allowance, which may be used when traveling will adhere to the prevailing rate, established in the adopted fiscal year budget.

O. Meals for Out-of-State-Travel - Out-of-state travel status begins when the employee leaves the state and remains in effect until the employee returns to the state. However, in-state allowances and reimbursement rates apply when employees and other qualified official travelers use hotels and meal facilities located in North Carolina immediately prior to and returning from out-of-state travel during the same travel period.

P. Registration and Tuition Fees - These are to be approved by the department head on an individual basis.

Q. Other Reimbursable Expenses While Traveling.

1. Telephone Calls

- a. Long Distance- Employees are not allowed to charge to the County, long distance telephone calls of a personal nature. All long distance calls which are to be paid by the County must be pursuant to the employee conducting official County business.
- b. Reimbursement - Business calls are reimbursable under Other Expenses.
- c. Emergency Calls - Employees may be reimbursed for a personal long distance phone call(s) if such call(s) is of an emergency nature. An example, may be a call made by an employee to inform someone that the travel period has been extended beyond original plans due to unforeseen reasons. Department Heads should review claims to establish compliance with the "Emergency Nature" criterion.



## **Section 10. Personal Appearance**

Jackson County employees are expected to present in a professional image and be identifiable as County employees at all times while at work. For this reason, identification badges are required to be worn so that they are easily seen, and clothing, footwear and overall appearance must be appropriate and safe for the environment, work duties and work location for the day. Departments may have additional standards based on the business needs, environment, and nature of work.

Any staff member who does not meet the dress standards will be required to take corrective action, for example leaving the premises to change clothing. Any time missed because of failure to comply will be charge to accrued compensatory time or annual leave; if compensatory time or annual leave are not available, then the leave will be without pay. Supervisors are in charge with setting the example for professional appearance in the workplace and enforcement of County and/or departmental dress standards.

## **Section 11. Drug-Free Workplace**

Alcohol and substance abuse and use in the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs and alcohol may impair the well-being of all employees, and/or the public at-large, and result in damage to County property. It is the policy of Jackson County to provide a working environment that is free of substance abuse and the use of alcohol and/or drugs. Therefore, Jackson County will:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- Create a workplace environment free from adverse effects of substance abuse;
- Prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the County's workplace; and prohibit the use of alcohol in the workplace.

All County work-sites will be maintained as a drug-free workplace. As a condition of employment, each employee must abide by the terms of this policy and the regulations making the County a drug-free workplace. This policy covers employees while they are at off-site locations for the purpose of taking a lunch break or other authorized break before their scheduled return to work.

Any employee who violates this policy will be subject to disciplinary action up to and including dismissal.

There are four categories of alcohol and drug testing that shall be conducted by Jackson County.



- A. Pre-Employment/Post Offer- Consistent with its objective of a drug-free workplace, Jackson County shall require all new hires, rehires and employees who are receiving promotion to undergo a drug screening. This testing shall be performed after an offer of employment has been made. Employment is contingent upon the receipt by Jackson County of a negative test result. All applicants must report to the lab under contract with Jackson County within 48 hours after being notified of the offer of employment for specimen procurement unless otherwise directed. Failure to comply with this expectation shall result in a withdrawal of the employment offer.
- B. Reasonable Suspicion/For Cause Alcohol and Drug Testing – All employees are subject to undergo an alcohol and/or drug test when there are reasonable grounds for suspecting that the employee is using or is under the influence of alcohol or any controlled substance while at work. A supervisor or designated Jackson County employee shall transport the employee to the lab under contract with Jackson County for testing. Any employee who refuses to cooperate or consent to testing under this provision shall be subject to disciplinary action, up to and including dismissal.
- C. Post-Accident Alcohol and Drug Testing – Employees will be tested for the presence of drugs and alcohol following on-the-job accident requiring treatment by a licensed physician and involving one or more of the following:
- a fatality
  - an injury to another individual
  - an accident involving a County-owned vehicle
  - an accident involving a law enforcement citation
  - an accident involving damage to County property
  - a sequence of minor accidents or injuries where medical treatment may not have been required
  - “reasonable suspicion” based on the fact that conclude the accident was due to the employee’s drug or alcohol impairment
- D. Safety Sensitive Random Drug Screening – Employees who are classified as safety sensitive will be subject to random drug testing. Human Resources Director is responsible for administering random drug screenings for safety sensitive positions.

The specifics of the policy are as follows:

- A. Jackson County does not differentiate between drug users and drug pushers or sellers. Any employee who gives, or in any way transfers, a controlled substance to another person, or sells or manufactures a controlled substance while on the job or on County premises will be subject to discipline up to, and including, termination.



- B. The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these drugs have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and Crack. They also include "legal drugs" which are not prescribed to the employee by a licensed physician.
- C. Each employee is required by law to inform the County within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the County's premises. Notification of such conviction should be made to the Human Resources Director. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
- D. The Human Resources Director must notify the U.S. Government agency with which the contract was made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
- E. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to, and including, termination. Alternatively, the County may require the employee to successfully finish a substance abuse program sponsored by an approved private or governmental institution.
- F. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

#### Maintaining a Drug-Free Workplace

- A. Objectives:
  - 1. To provide Jackson County employees with a safe, drug-free workplace and to promote high standards of employee health.
  - 2. To carry out the County's basic responsibility to serve the public safely and without undue interruption.
  - 3. To establish a drug-free awareness program for County employees.
  - 4. To comply with the federal Drug-Free Workplace Act of 1988.
- B. Policy Content - This policy describes the County's commitment to maintain a safe and healthy workplace free from the influence of alcohol and drugs and to comply with the requirements of the federal Drug-Free Workplace Act of 1988. The policy also sets forth the obligations and responsibilities of County employees in maintaining a drug-free workplace.



C. Provisions:

1. Federal Drug-Free Workplace Act of 1988 Provisions<sup>1</sup>:

- a. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while in a County facility or vehicle, or while performing County business.
- b. Any employee convicted under any criminal drug statute for a violation occurring in the workplace must notify County officials no later than five (5) days after such conviction.
- c. In the event that any employee is convicted under a criminal drug statute for a violation occurring in the workplace, the County shall take the following action:

(1) Discipline, up to and including discharge, and/or

(2) Require satisfactory participation in a substance abuse assistance or rehabilitation program.

The County shall take either action within thirty (30) days of receiving notification of such a conviction. The County has notice of a conviction when an employee notifies the County of such a conviction, or when the County learns of the conviction from some other source.

- d. The County will notify, in writing, any federal agency which has contracted for the procurement of property or services of a value of \$25,000 or more from the County or made a grant to the County, within ten (10) days after receiving notice under Section III. A. 2. of this policy from an employee or otherwise receiving actual notice of such a conviction. The County need report only convictions of employees who are directly engaged in the performance of a grant or contract.
- e. To further educate its employees, the County's ongoing drug-free awareness program will inform employees about:
  - (1) The dangers of substance abuse in the workplace;
  - (2) The County's policy of maintaining a drug-free workplace;
  - (3) The availability of substance abuse counseling, rehabilitation, and employee assistance programs;

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<sup>1</sup> Compliance with the Federal Drug-Free Workplace Act of 1988 is not required unless the County has a contract to provide \$25,000 or more of property or service to a federal agency or receives grant funds from a federal agency. However, most counties have nonetheless adopted this policy.



(4) The penalties that may be imposed on employees for substance abuse violations.

- f. Compliance with this drug-free workplace policy is a condition of employment. Employees shall be given a copy of this policy and shall be asked to sign a statement acknowledging receipt of it and evidencing their willingness to comply with it.

2. Additional Provisions:

- a. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance by County employees, while on-duty or off-duty, is prohibited.
- b. The unlawful manufacture, dispensation, possession, or use of illegal drug paraphernalia, while on-duty or off-duty, is prohibited.
- c. The unauthorized use, possession, or sale of alcohol while on County premises, while on County business, while operating or riding as a passenger in any County-supplied vehicle, or at any time while an employee is on-duty is prohibited.
- d. Any use of alcohol while off-duty or off County premises that adversely affects an employee's work performance, his/her own or others' safety at work, or the County's reputation in the community is prohibited.
- e. Being under the influence of alcohol or an illegal controlled substance while on County premises or while on County business, while operating or riding as a passenger in County-supplied vehicles or while on-duty is prohibited. Being under the influence of alcohol is defined as a blood alcohol content of .04. With respect to marijuana, cocaine, amphetamines, phencyclidine and opiates, being under the influence shall mean testing positive under the procedures and at the levels set by DOT regulations. (49 C.F.R. part 40)

Being under the influence of any other controlled substance listed under 21 C.F.R. Section 1308-11 through 1308.15, Schedules of Controlled Substances, shall mean testing positive at a level to be set by the County. Testing levels utilized by the County shall be applied in a uniform and nondiscriminatory manner.

- f. Storing any illegal controlled substance or any illegal drug paraphernalia or unauthorized alcohol in a locker, desk, vehicle, or other repository on County premises is prohibited.





- g. Employees must satisfactorily participate in any drug or alcohol treatment or counseling program required by the County pursuant to the provisions of this policy.
- h. The County shall take the following actions for any violation of these provisions:
  - (1) Discipline, up to and including discharge, and/or
  - (2) Requiring satisfactory participation in a drug abuse assistance or rehabilitation program.

3. Training:

- a. Drug-Free Workplace Act: As required by the federal Drug-Free Workplace Act of 1988, the County shall establish an ongoing drug-free awareness program.
- b. Department of Transportation: As required by Department of Transportation regulations, all drivers, supervisors, and County officials shall receive at least sixty (60) minutes of training on:
  - (1) The effects and consequences of controlled substance use on personal health, safety, and the work environment; and
  - (2) The manifestations and behavioral changes that may indicate controlled substance use or abuse.

D. Responsibilities:

- 1. Employees: All County employees are responsible for abiding by this policy, as a condition of their employment.
- 2. Management Officials and Supervisors:
  - a. All supervisors are responsible for being alert to possible violations of this policy by employees under their supervision.
  - b. Any possible violation of this policy should be reported to the Human Resources Director.
  - c. The Human Resources Director will oversee the overall application of this policy.
  - d. The Human Resources Director will notify federal agencies which contract with or grant to the County within ten (10) days after receiving notice of an employee's conviction under any criminal drug statute for a violation occurring in the workplace.



## **Section 12. Procurement of Contractual Services**

No employee, officer, or agent of Jackson County shall participate in the selection, award, or administration of a partner, or organization in which he or his immediate family or partner has a financial interest or with whom he is negotiating or has any arrangement concerning prospective employment. The officers, employees or agents of Jackson County shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors.

## **Section 13. Attendance and Punctuality**

To maintain a safe and productive work environment, Jackson County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Jackson County. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive; either may lead to disciplinary action, up to and including termination of employment.

## **Section 14. Life-Threatening Illness & Disability Accommodation in the Workplace**

Employees with life-threatening illnesses, such as cancer, heart disease, and HIV/AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Jackson County supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, Jackson County will make reasonable accommodations in accordance with the American with Disabilities Act of 1990 (ADA), ADA Amendments Act of 2008 (ADAAA), and all other legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. Jackson County will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including dismissal.

Employees with questions or concerns about life-threatening illnesses in the workplace or those needing to request reasonable accommodation to perform work are encouraged to contact the Human Resources Director or Jackson County's Employee Assistance Program for information and referral to appropriate services and resources.



## **Section 15. Employment Eligibility Verification, Form I-9**

Jackson County is committed to employing citizens and non-citizens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986 (IRCA), each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Jackson County within the past three years, or if their previous I-9 is no longer retained or valid.

Jackson County participates in the federal E-Verify program that allows for electronic verification of employment eligibility.

Annually the Human Resources Department will conduct an audit of Employment Eligibility Verification Form I-9s. The audit will (1) review the completed forms for employees hired in the preceding year to check for document completion, accuracy, and attached printed copies of identifying documents and completed case record; (2) destroy completed forms of terminated employees as allowable under law disposing of forms that are either three years after the date of hire or one year after the date employment ended, whichever date is later for the completed form.

Employees with questions about employment eligibility are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.



## Article VI. Holidays and Leave

### Section 1. Paid Holidays Observed

The holiday schedule will be designated annually by the Jackson County Board of Commissioners. The usual and customary holiday schedule is as follows.

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New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Veteran's Day
Good Friday	Thanksgiving (2 days)
Memorial Day	Christmas (3 days)
Independence Day	

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All of the above are either legal public holidays established by the State Legislature, or related days (the day after Thanksgiving and the day(s) before and after Christmas). Employees may wish to be away from work on certain days for religious observations, such as Yom Kippur, Hanukkah, Kwanza, etc. Department Heads should attempt to arrange the work schedule so that an employee may be granted annual leave when it is requested because the day is a major religious observance for the employee. Annual leave should be denied only when it would create an emergency condition which cannot be prevented in any other manner. Permanent Part-Time employees will receive pro rata Holiday Pay if they were scheduled to work on the Holiday. Permanent Part-Time employees should not exceed the total number of regularly scheduled hours in the week.

### Section 2. Annual (Vacation) Leave

Amount Earned - A full-time permanent or probationary employee who is in pay status earns annual leave. If an employee is not in a pay status the entire payroll period, amount of annual leave is pro-rated based on hours worked. The rate is based on the length of aggregate covered service. Annual leave for employees shall be computed at the following rates:



<b>Years of Aggregate Service</b>	<b>Hours Earned Per Pay Period</b>	<b>Hours Earned Annually</b>	<b>Days Earned in One Year</b>	<b>Accrual Limit in Hours (30 Days)</b>
<b>8 Hour Shift Employee</b>				
Less than 2 years	3.08	80	10	240
2 but less than 5 years	3.69	96	12	240
5 but less than 10 years	4.62	120	15	240
10 but less than 15 years	5.54	144	18	240
15 but less than 20 years	6.46	168	21	240
20 years or more	7.38	192	24	240
<b>10 Hour Shift Employee</b>				
Less than 2 years	3.85	100	10	300
2 but less than 5 years	4.62	120	12	300
5 but less than 10 years	5.77	150	15	300
10 but less than 15 years	6.92	180	18	300
15 but less than 20 years	8.08	210	21	300
20 years or more	9.23	240	24	300
<b>12 Hour Shift Employee</b>				
Less than 2 years	4.62	120	10	360
2 but less than 5 years	5.54	144	12	360
5 but less than 10 years	6.92	180	15	360
10 but less than 15 years	8.31	216	18	360
15 but less than 20 years	9.69	252	21	360
20 years or more	11.08	288	24	360

A part-time permanent or probationary employee earns annual leave on a pro rata basis. The leave shall be computed on a percentage of total amount earned by a full-time employee based on the percentage of time worked by the part-time employee.

Leave Conversion - At the end of each benefit year on January 1, any County employee with accrued annual (vacation) leave in excess of 30 days shall have this leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes. And, like regular sick leave, any unused converted sick leave any be counted toward creditable service at retirement.



Advancement - The County Manager at the recommendation of the Department Head may advance annual leave not to exceed the amount an employee can earn during the current fiscal year or the difference between the amount of accumulated leave carried forward and the maximum allowable.

Scheduling Annual Leave - Annual leave shall be taken only upon authorization of the department head and/or immediate supervisor who shall designate such time or times when it will least interfere with the efficient operation of the agency. Normally, it should not be granted when the employment of temporary help would be necessary during the annual leave of the regular employee. No more than two (2) consecutive weeks of annual leave may be taken by an employee at any one time without approval of the County Manager.

Annual Leave may be used for:

- Vacation,
- Other periods of absence for personal reasons,
- Absences due to adverse weather condition (see Article VI, Section 9)
- Involvement in children's school activities (see Article VI, Section 10)
- Personal illness or for medical appointments (in lieu of sick leave),
- Time lost for late reporting or early leave from scheduled work,
- Donation to an employee who is an approved voluntary shared leave recipient.

Leave Charges - Only scheduled workdays shall be charged in calculating the amount of leave taken. Saturday is charged only if it is a scheduled workday. Holidays are not charged as annual leave when they occur during the period an employee is taking leave.

Payment for Annual Leave upon Separation -

1. An employee may be paid in a lump sum for accumulated annual leave not to exceed a maximum of 30 days when they are separated due to resignation, dismissal, reduction in workforce, death, service retirement, or leave without pay. If the last day of terminal leave falls on the last working day in the month, any lump sum payment shall include the remaining non-workdays in that month. If holidays occur during the leave period, the employee is not to be charged leave for the holiday.
2. In the case of a deceased employee, payment for terminal leave may be made to the deceased employee's administrator or executor.

In the absence of an administrator or executor, payment may be made to the Clerk of Superior Court of the County of the deceased employee's estate.

3. Should an employee be separated before they have earned all of the annual leave taken, it will be necessary to make deductions from their final salary check for overdrawn leave on a calendar day basis.



4. The last day of work is the date of separation even when the employee receives pay for accumulated annual leave extending beyond this date. After the date of separation, the employee ceases to earn any leave.

Transfer of Annual Leave - Unused annual leave may be transferred from Jackson County to another state or local agency if the agency to which the transfer is being made will accept the leave; this includes the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina. An accumulated annual leave balance cannot be transferred to Jackson County from other state or local government agencies.

Jackson County will allow each new employee from other state or local government agencies to accrue annual leave at 100% for each full year of directly related experience with the state or local government agency provided there is not a break in continuous state and/or local service.

### Section 3. Sick Leave

Sick leave is a privilege and not a right.

Amount Earned - A full-time permanent or probationary employee who is in pay status earns sick leave at the rate of one day per month as listed below. If an employee is not in a pay status the entire payroll period, amount of sick leave is pro-rated based on hours worked. Permanent part-time employees earn sick leave on a pro rata basis.

<b>Hours Worked Per Day</b>	<b>Hours Earned Per Pay Period</b>	<b>Hours Earned Annually</b>	<b>Days Earned in One Year</b>	<b>Accrual Limit</b>
8	3.69	96	12	none
10	4.62	120	12	none
12	5.54	144	12	none

Accumulation - Sick leave is cumulative indefinitely when earned during employment with the County.

Advancement - The County Manager at the recommendation of the Department Head may advance sick leave not to exceed the amount an employee can earn during the current fiscal year.



Use of Sick Leave - Sick may be used for:

- Personal illness or injury;
- Medical or dental appointments of employee or immediate family member;
- Temporary disability due to pregnancy, childbirth, miscarriage, abortion or recovery therefrom;
- To care for an immediate family member,
- Donations to an immediate family member who is an approved voluntary shared leave recipient, and adoption of a child; and
- Care for a covered service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

For the purposes of sick leave, immediate family includes spouse, mother, father, guardian, child, brother, sister, grandparent, grandchild and all in-law, step, half and adoptive/foster relationships that can be made from the preceding list.

Verification of Sick Leave - The Department Head may require a statement from a medical doctor or other acceptable proof that the employee was unable to report to work due to injury and or illness for each occasion on which an employee uses sick leave in excess of three (3) consecutive days. Any restrictions of duty must be prescribed (in detail) by the employee's physician and submitted on the treating physician's letterhead. The Department Head may also require a statement from a medical doctor or other acceptable proof that the employee was unable to report to work for less than three (3) days if they suspect abuse of sick leave privileges.

Leave Charges - Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave.

Transfer of Sick Leave - Unused sick leave may be transferred from Jackson County to another state or local agency if the agency to which the transfer is being made will accept the leave; this includes the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina. An accumulated sick leave balance can be transferred to Jackson County from other state or local government agency described above if the state or local government agency was the immediate past employer and the employee has not requested, or is receiving retirement benefits from the North Carolina Retirement System. The employee must request this transfer within 90 days of the beginning of employment with Jackson County, and it is the responsibility of the employee to provide bona-fide documentation of the amount of unused sick leave from the immediate past employer. Upon verification of the unused sick leave by Human Resources, the employee will be credited with the transferred sick leave.





## Separation -

1. Sick leave is not allowable in any terminal leave payments when an employee is separated from service.
2. Should an employee be separated before they have earned all the sick leave taken, deductions shall be made from their salary check for the amount of the overdrawn leave.
3. Sick leave shall be exhausted before going on leave without pay because of extended illness. While an employee is exhausting sick leave, they shall earn all benefits for which employees are entitled.

### **Section 4. Family Medical Leave**

The County is a qualified employer subject to the provisions of the federal Family and Medical Leave Act of 1993 (FMLA). This section is provided for informational purposes only and is not intended to grant any benefits greater than those provided by federal law. Any conflict between the language contained in the Section and FMLA will be resolved in the favor of the FMLA.

#### Eligible Employee:

An employee who has been employed with County government for at least twelve (12) months (does not have to be consecutive) and who has worked at least 1250 hours during the 12-month period immediately preceding the commencement of leave.

Twelve (12) weeks of unpaid leave in any 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

Twenty-six (26) workweeks of leave during a single 12-month period for:

- to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).



A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with inpatient care (overnight stay) in a hospital, hospice or residential medical facility;
2. Any period of incapacity requiring the absence of more than three calendar days from work and that involves continual treatment by (or under the supervision of) a health care provider or:
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated, would like result in a period of incapacity of more than three calendar days and for prenatal care.
4. Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Leave without pay beyond the 12-week/26-week period will be administered under the Leave without Pay Policy.

Spouses Employed by the Same Agency - If a husband and wife are employed by the same agency, the aggregate number of workweeks of leave is limited to 12 workweeks during any 12-month period where such leave is taken either for (1) birth of a child or (2) placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.

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

#### Employee Responsibility:

The employee must provide the County thirty (30) days advance notice of the need for FMLA leave when such leave is foreseeable. If emergency conditions prevent such notice, the employee must notify the County as soon as practicable. It is recommended that when an employee requests FMLA, they contact Human Resources to receive information regarding certification, return to work documentation, employee rights and other pertinent FMLA information.

After the period of leave pursuant to this policy, if the employee will not return to work, the department should be notified immediately. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.



## Certification:

Certification of the need for leave to care for the employee's illness or injury or that of a family member is required. The employee must complete all requested forms to certify that leave requested is FMLA eligible as allowable by law (forms may include WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition, WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition, WH-384 Certification of Qualifying Exigency for Military Family Leave, or WH-385 Certification for Serious Injury or Illness of Covered Servicemember).

If no certification is provided, based on the information at hand, the County may not designate leave as qualifying as FMLA leave. If the County designates leave as qualifying as FMLA leave, the employee will be provided with a written notification of such designation.

Human Resources reserves the right to contact the employee's health care provider to verify the authenticity of any certification that is received.

## **Section 5. Leave Without Pay**

Leave without pay may be granted to any permanent employee by permission of the County Manager with the recommendation by the Department Head for any time considered necessary or desirable.

Requests for leave without pay must be submitted in writing to the employee's Department Head. If the leave is approved by the Department Head, then the request will be forwarded to the Human Resources Director and the County Manager for approval. The following requirements apply:

- Leave may be granted to an employee for a period of up to six (6) months upon the approval of the County Manager.
- Accrued compensatory time and annual leave must be exhausted prior to taking any leave without pay. If the requested leave without pay is related to the care for the employee's illness or injury or that of a family member, sick leave must be exhausted prior to leave without pay as allowable under Sick Leave, Article VI, Section 3.
- An employee's vacation and sick leave accrual are suspended during the period of unpaid leave until the employee returns to work.
- Holiday pay is also suspended during the period of unpaid leave until the employee returns to work.
- Leave without pay will run concurrent with any eligible Family and Medical Leave.



- An employee that fails to report promptly at the end of the unpaid leave, unless otherwise prohibited by law or regulation, is presumed to have resigned.
- While out on leave without pay, the employee is not earning compensation, therefore the County is unable to contribute or match contributions for the employee's NC401K account. The Local Governmental Retirement System deductions will also not be withheld during a period of leave without pay. If the employee was on leave without pay for worker's compensation or military leave, when the employee returns to work, the employee may choose to purchase retirement credit from the Local Governmental Retirement System.

Employees granted leave without pay are responsible for paying all benefit plan premiums, including the employee's health and dental insurance costs that the County typically pays as a benefit to the employee if the leave without pay period is greater than five (5) days during any month unless otherwise protected by Family Medical Leave. Failure of the employee to pay any required benefit plan premium by the first day of the following month may result in termination of the benefit due to non-payment of premium.

Provisions - Special types of leave without pay are:

**Sick Leave Without Pay** - Sick leave without pay may be granted by the County Manager upon recommendation of the Department Head, for the remaining period of disability after sick leave has been exhausted. The employee must also exhaust annual leave before going on leave without pay, or may return to County service. In the event the employee needs more than six (6) months of sick leave without pay, an extension must be requested by the employee and approved by the Jackson County Board of County Commissioners.

**Maternity Leave** - Maternity leave shall be granted when an employee desires to be away from work due to pregnancy, childbirth, and recovery therefrom, or related conditions. During the time the employee is disabled, she should use any earned sick leave. For any remaining period of disability the employee shall be granted maternity leave, not to exceed the period of actual need, which is traditionally, approximately three (3) months. Limitations of employment before childbirth or discrimination on pregnancy status is prohibited by federal law.

## **Section 6. Military Leave**

**POLICY:** Leave shall be granted to employees of the County for certain periods of service in the uniformed services. No agent or employee of the County shall discriminate against any employee of the County or applicant for County employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.



**DEFINITIONS:** Following are definitions of terms used in this policy:

<p><b>Service in the Uniformed Services</b></p>	<p>The performance of duty on a voluntary or involuntary basis in a uniformed services under competent authority and includes:</p> <ul style="list-style-type: none"> <li>- active duty (extended active duty; mobilization or call up of reserve components),</li> <li>- active duty for training of serve components (annual training, usually 2 weeks or special schools),</li> <li>- initial active duty for training (initial enlistment in reserve or National Guard),</li> <li>- interactive duty training (drills, usually on weekends),</li> <li>- full-time National Guard (usually 3-year contract), and</li> <li>- a period for which a person is absent to determine fitness of the person to perform such duty.</li> </ul>
<p><b>National Guard</b></p>	<p>A reserve of the U.S. Armed Forces. The N.C. Army and Air National Guard respond to the Governor as Commander in Chief and serve as the military arm of State government and respond to the President of the U.S. in time of war.</p>
<p><b>Uniformed Services</b></p>	<ul style="list-style-type: none"> <li>- Armed Forces and the Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard),</li> <li>- Commissioned Corps of the Public Health Services, and</li> <li>- any other category of persons designated by the President in time of war or national emergency.</li> </ul>

COVERED EMPLOYEES		
TYPE OF APPOINTMENT	IS EMPLOYEE ELIGIBLE?	
	YES	NO
Full-time or part-time (half-time or more), permanent, probationary, trainee, or time-limited	X (pro-rated for PT)	
Temporary, intermittent, or part-time (less than half-time)		X

**MILITARY LEAVE WITH PAY**

**Periods eligible for leave with pay for training:**

Leave with pay, up to the maximum of 15 days each Federal Fiscal Year (Oct.-Sept.) [pro-rated for part-time employees] shall be granted to:



Members of the Uniformed Services for:

- active duty for training (annual training and special schools)
- inactive duty training (drills – usually on weekends)  
(If the drill is not scheduled on the employee's off-days, the employee has the option of requesting that the work schedule be rearranged, or the employee may use any unused portion of the 15 days leave with pay, vacation/bonus leave or leave without pay.)

Additional military leave needed for training shall be charged to vacation/bonus leave or leave without pay at the discretion of the employee.

The County may require the employee to provide notification of upcoming duty and/or schedule changes as soon as known.

(Note: When a military obligation is less than 31 days, an employee is authorized one day recoup time before and after performance of military duties or military training. This time may also be charged to the 15 days leave with pay, leave without pay or vacation/bonus leave. Example: An employee may be scheduled on a Friday, to take a convoy to a specific site. If significant travel is required, the employee may need to be released early on the day before training in order to accommodate the request for travel and reasonable rest. The employee is to return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period.)

**Leave with pay for physical examination:** In addition to the above 15 days, leave with pay shall be granted for a required physical examination relating to membership in the uniformed services.

**Period of leave with pay for reserve active duty:** The following shall apply for active duty for each period of involuntary service:

- (1) Members of the uniformed services reserve components shall receive up to thirty (30) calendar days of full pay when ordered to State or Federal active duty.
- (2) After the thirty-day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee's annual County salary, if military pay is lesser.

**Responsibility-Notification of service for full pay or differential pay:** The County shall require the employee, or an appropriate officer of the uniformed service in which such service is performed, to provide written or verbal notice of such service claimed for military leave with pay. For periods eligible for military leave with differential pay, the County shall require the employee to provide a copy of their Leave and Earnings Statement or similar document covering the period eligible for differential pay.

**Retention and continuation of benefits during leave with pay:**

- (1) Prior to the 30 days of full pay and the differential, the employee may choose to retain their vacation/bonus leave, exhaust their vacation/bonus leave, or be paid in a lump sum up to a maximum of 30 days of vacation leave plus any unused bonus leave. If the employee is FLSA non-exempt, any compensatory time may also be exhausted prior to



- exhausting leave or may be paid in a lump sum.
- (2) During the period of reserve active duty, whether receiving full County pay, differential pay, or no pay, the employee shall not incur any loss of total County service or retirement service or suffer any adverse service rating. The employee shall continue to accumulate sick and vacation leave, total County service credit, and receive any promotion or salary increase for which otherwise available.
  - (3) Differential pay does not meet the statutory definition of “compensation” for retirement purposes. Thus, retirement contributions should not be reported to the Retirement System on differential pay. Retirement membership service credits will be granted County employees for all required periods of active military service.
  - (4) When on State duty, the County continues to pay for health coverage for members of the National Guard. When on Federal active duty, coverage with the County Health Plan ends on the day in which the individual enters active service. The military health and benefits program covers the reservists and their dependents.
  - (5) Employees and/or their dependents whose health coverage cease because of entry into the military service are eligible for COBRA coverage for a period of up to twenty four months. The employee must pay for periods in excess of thirty days.

**Additional leave for National Guard:** Members of the National Guard are granted additional time off with pay for infrequent, special activities in the interest of the State when so authorized by the Governor or his authorized representative.

### **MILITARY LEAVE WITHOUT PAY**

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

- (1) extended active duty for a period not to exceed five years plus any additional service imposed by law (see note below);
- (2) full time National Guard duty (usually a 3 year contract); or
- (3) initial active duty for training (initial enlistment).

The following absences may be taken as leave without pay or as available vacation/bonus leave or a combination of the two, at the employee’s option:

- (4) duties resulting from disciplinary action imposed by military authorities;
- (5) inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.

**Agencies are not required to excuse an employee for incidental military activities such as volunteer work at military facilities (not in duty status), unofficial military activities, etc.**

Note: Service in the uniformed services, except the types of service listed below, counts toward the cumulative 5-year limit of military service a person can perform while retaining reemployment rights:

- (1) Unable (through no fault of the individual) to obtain release from service or services in excess of 5 years to fulfill an initial period of obligated service;





- (2) Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining, or
- (3) Service performed during time of war or national emergency or for other critical missions/contingencies/military requirements.

**Additional periods of military leave without pay:** Leave without pay shall also be granted in the following situations:

- (1) While awaiting entry into active duty, such period as may be reasonable to enable the employee to address personal matters prior to such extended active duty.
- (2) The period immediately following eligible period(s) of active duty, as defined under “Reinstatement From Military Leave Without Pay” of this policy, while reinstatement with County government is pending, provided the employee applies for such reinstatement within the time limits defined. (Note: It is the employee’s responsibility to apply for reinstatement within the time limit defined.)
- (3) Employees hospitalized for, or convalescing from, an injury or illness incurred in, or aggravated during the performance of extended active duty, except that such period shall not exceed two years beyond their release from extended active duty under honorable conditions. Also, the employee shall be entitled to leave without pay for the period from the time of release by the physician until actually reinstated in County employment, provided the employee applies for such reinstatement within the time limits defined.

**Employee responsibility:** The employee or an appropriate officer of the military service in which such service is or is to be performed shall provide written or verbal notice of such service as soon as it is known. The employee shall be responsible for returning, or making application for reinstatement, within the time limits defined under “Reinstatement From Military Leave Without Pay.”

**Retention and continuation of benefits during leave without pay:** The employee may choose to have accumulated vacation/bonus leave:

- paid in a lump sum (maximum of 30 days of vacation leave),
- exhausted, or
- retained (part or all) until return to County service (but does not earn vacation leave while on leave without pay).

The employee shall:

- retain accumulated sick leave (but does not earn sick leave while on leave without pay);
- continue to earn time toward total County service, and
- receive retirement service credit for periods of active duty up to the time the employee was first eligible for discharge if the employee returned to County employment within two years; or any time after discharge if they had completed at least ten years of membership service in the Retirement System. (See Retirement System Handbook for further details.)

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





**Reinstatement from military leave without pay:** The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for reemployment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or apply for reemployment are as follows:

- less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period;
- more than 30 days but less than 181 days, must submit a written or verbal application for reemployment with the agency not later than 14 days after the completions of the period of service; or,
- more than 180 days, by submitting an application with the agency not later than 90 days after the completion of the period of service.

Reinstatement shall be made if the employee:

- separated/discharge from military service under honorable conditions, and
- reports to work or applied for reinstatement with the established time limits.

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

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

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

Note: It is assumed that an employee had at least satisfactory performance when placed on military leave; therefore, any cost-of-living adjustment should be included in the reinstatement pay. The addition of career growth adjustments or performance bonuses is determined in the same manner as any other employee on leave without pay.



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

### **Section 7. Civil Duty**

**Jury Duty** - When an employee serves on a jury, they are entitled to leave with pay for the period of absence required, up to two (2) weeks. They are also entitled to their regular compensation plus fees received for jury duty. Paid leave for duty beyond two (2) weeks must be approved by the Board of Commissioners and requested by the employee.

**Court Attendance** - When an employee attends court in connection with their official duties, no leave is required. Fees received as a witness while serving in an official capacity shall be turned in to the County department for which they work. (When an employee is required to attend court on a day that they would normally be off, the time is to be considered as working time and included in the total work hours for that week.)

### **Section 8. Educational Leave**

Educational leave shall be granted to permanent and probationary employees in accordance with rules and regulations adopted by the County Jackson County Board of Commissioners.

Educational leave taken during normal work hours that are not required of an employee's position will be charged as annual leave unless otherwise approved by the Board of Commissioners.

### **Section 9. Compensatory Leave**

Employees who are exempt from the Fair Labor Standards Act and work more than the normal workweek to perform the duties of their office may be granted time off by the Department Head; the Department Head may be granted time off with the approval of the Jackson County Manager.

Compensatory Leave will be used before any other leave is approved. Exempt employees should not accrue leave for less than one (1) hour worked over the stated workday. Exempt employees will be able to accumulate no more than 30 days of compensatory leave without approval from their department head and the department heads will need the approval of the County Manager.



## **Section 10. Adverse Weather Conditions**

It shall be the policy of the Jackson County Justice Center and all Jackson County Offices, to always remain open during normal workweek hours. If adverse weather conditions prevent Jackson County employees from reporting to work or Jackson County Government offices are declared closed, employees must use compensatory time, annual leave, bonus leave or leave without pay for scheduled work hours missed unless otherwise designated as administrative leave by the Jackson County Board of County Commissioners. Department Heads should make reasonable efforts to allow employees to adjust schedules, as needed, to make up any missed hours during the workweek due to inclement weather at the request of the employee. Adherence to this policy shall be the responsibility of the County Manager.

All law enforcement and emergency services personnel are excluded from the above adverse weather policy. Work hours will continue to be set at the discretion of the Department Head.

Public Works and other department personnel necessary for snow/ice removal operations or critical County functions as deemed necessary by the County Manager will work such hours as needed during times of inclement weather.

## **Section 11. Children's School Involvement**

Chapter 509 of the 1993 Session Laws amended G.S. 95-28.3 to require all North Carolina Employers, public and private to grant at least four (4) hours of leave per year, effective December 1, 1993, so that a parent, guardian or any person standing "in loco parentis" of a school-aged child to attend or otherwise be involved in activities at the child's school.

Leave shall be provided effective December 1, 1993, subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between the immediate supervisor and the employee;
2. The immediate supervisor may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave;
3. The immediate supervisor may require that employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of leave.

The definition of school includes public and private schools, church schools, and preschools. It also includes day care facilities as defined under G.S. 110-86. Employers cannot take adverse employment action against an employee who requests leave under this section.

Leave taken may be annual leave or leave without pay.



## **Section 12. Funeral Leave**

A maximum of up to three days' leave shall be granted an employee in case of death in his immediate family. This leave is to be termed Funeral Leave and is considered free leave. Funeral leave can be taken intermittently rather consecutively as needed. Funeral Leave is only to be used when the employee is scheduled to work, in the event the employee is not scheduled to work, no funeral leave will be granted. Immediate family is defined as spouse, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter, to include in-law and step relations.

## **Section 13. Community Service Leave**

Employees who are members of a Jackson County Volunteer Fire Department (VFD) or Volunteer Rescue Squad (VRS) shall be granted community service leave at such times that they leave their normal duty shift to respond to official emergency service VFD or VRS calls.

Employees in the classified position of Fire District Service Coordinator shall be granted community service leave at such times that they leave their normal county duty shift to fulfill fire suppression, emergency medical, or any other official but non-county prescribed duties specified by their Volunteer Fire Department Chief or supervisor.

While on community service leave, benefits and leave will accrue as through on regular county duty.

This policy applies only during an employee's normal or scheduled working hours. Under no circumstances does it authorize any extended benefits, compensatory time, or overtime pay.

## **Section 14. Bonus Leave**

Permanent part-time and full-time employees are eligible for bonus leave issued by the Jackson County Board of Commissioners. Part-time employees shall receive a pro rata amount.

Scheduling Bonus Leave – Bonus leave shall be taken only upon the authorization of the department head and/or immediate supervisor who shall designate such time or times when it will least interfere with the efficient operation of the agency. Normally, it should not be granted when the employment of temporary help would be necessary during the bonus leave of the regular employee. Bonus leave can be used prior to other leave types including compensatory time, annual leave, or sick leave.



Accounting for Bonus Leave – Bonus leave shall be accounted for separately from regular earned annual and sick leave. Any balance of bonus leave on June 30 will not be retained by the employee and is not subject to conversion of sick leave.

Separation – Bonus leave balance will be paid in addition to regular annual leave if the employee leaves employment with Jackson County.



## **Article VII. Employee Benefits**

### **Section 1. Insurance Benefits**

#### **Purpose**

To outline benefits available to Jackson County employees.

#### **Group Insurance Program**

Group health, life, and dental insurance will be available to each probationary or permanent employee working 30 hours or more per week. The County will incur the cost of the insurance program with participating employees.

Employees may elect dependent coverage, given dependents meet eligibility requirements, such premium payments will be made through voluntary payroll deductions.

#### **Eligibility Requirement for Hospital Insurance**

New eligible full-time employees will be covered with health insurance on the first day of the month following thirty (30) calendar days of employment.

If an employee takes more than five days of leave without pay during any month, the employee must pay the entire month's premium to the County by the first day of the following month or coverage is terminated.

### **Section 2. Workers' Compensation**

All employees with the County of Jackson are fully covered by Workers' Compensation Insurance and are required to report injuries arising out of, and in the course of, employment to the immediate supervisor at the time of the injury in order that appropriate action may be taken at once. Workers' compensation covers medical expenses and lost time from work due to work related injuries as allowable under the North Carolina Workers' Compensation Act (N.C.G.S. §97).

### **Section 3. Old Age and Survivors Insurance (Social Security)**

All permanent, probationary and temporary employees shall be covered by the Social Security Act (42 U.S.C. CH. 7).



#### **Section 4. Retirement Benefits**

Each employee in a budgeted position, working a minimum of 1,000 hours per year, will be enrolled in the Local Governmental Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

#### **Section 5. Death Benefits**

If an employee dies while still in active service with at least one (1) year as a contributing member of the Local Governmental Employees' Retirement System, the employee's beneficiary will receive a lump-sum payment equal to the employee's highest twelve (12) month's consecutive salary during the preceding twenty-four (24) months, not less than \$25,000 or more than \$50,000. This benefit is also paid if the employee dies within 180 days of the last day of service.

An additional death benefit through employer paid life insurance will be paid to the employee's beneficiary equal to one times the annual salary up to \$150,000.

#### **Section 6. Benefits-Other (Fixed)**

- A. Unemployment Compensation - County employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the Division of Employment Security. Eligibility for unemployment compensation will be determined by the Division of Employment Security.
- B. Employee Assistance Program (EAP) - provides assistance to all employees and immediate family members in resolving family problems, substance abuse issues, marriage difficulties, financial trouble, stress, depression, or any other situation which may result in the deterioration in the employee's job performance and efficiency. An employee may independently seek assistance, or may, if appropriate be referred to EAP by the supervisor.



## Article VIII. Separation, Disciplinary Action, and Reinstatement

### Section 1. Separation

Separation occurs when an employee leaves the payroll for reasons indicated below or because of death. Employees who have acquired permanent status will not be subject to involuntary separation or suspension except for cause or reduction-in-force.

- A. Resignation - An employee may terminate his/her services with the County by submitting a resignation to the appointing authority. It is expected that an employee will give at least two weeks notice prior to his last day of work.
- B. Retirement – An employee may terminate his/her services with the County by submitting a request for retirement to the appointing authority. It is expected that an employee will give at least four months’ notice prior to his last day of work.
- C. Dismissal - Dismissal is involuntary separation for cause, and shall be made in accordance with the provisions of the policy on suspension and dismissal.
- D. Reduction in Force (RIF) - For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classifications affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. No permanent employee shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees in their six months of the trainee progression serving in the same or related classification, unless their permanent employee is not willing to transfer to the position held by the non permanent employee, or the permanent employee does have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. A permanent employee who was separated by reduction-in-force may be reinstated at any time in the future that suitable employment becomes available. The employer may choose to offer employment with a probationary appointment and experience standard for the classification to which he is being appointed. The appropriate Department Head(s) will work closely with the County’s Human Resources Director to develop, implement, and communicate a specific RIF plan, and follow it accordingly. Agencies should make efforts to place an employee so separated pursuant to this policy when the employee becomes available, if the employee desires, consistent with other employment priorities and rights. However, there is no mandatory requirement placed on an agency to secure an employee, separated under this policy, a position in any agency.





- D. Voluntary Resignation without Notice - An employee voluntarily terminates employment by failing to report to work without giving written or verbal notice to the County. Such a failure shall be deemed to be a voluntary resignation from employment with notice when the employee is absent without approved leave for a period of at least three consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the employing agency has undertaken reasonable efforts, to locate the employee and determined when or if the employee intends to return to work.
  
- E. Separation Due to Unavailability When Leave is Exhausted - An employee may be separated on the basis of unavailable for work after all applicable leave credits and benefits have been exhausted and County management does not grant a leave without pay for reasons deemed sufficient by the County. Such reasons include but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation, and not a disciplinary dismissal as described in G.S. 126-35, and may be grieved or appealed.

Prior to separation the County shall meet with or at least notify the employee in writing, of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are not possible, the County must notify the employee of that fact and the proposed date of separation. If the proposed accommodations or alternative accommodations are being reviewed, the County must notify the employee that such accommodations are under review and give the employee a projected date for a decision.

Involuntary separation pursuant to this policy may be grieved or appealed. The County must also give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's right of appeal. The burden of proof on the County in the event of a grievance is not just cause as that term exists in G.S. 126-35. Rather, the County's burden is to prove that the employee was unavailable and that the County considered the employee's proposed accommodations or other reasonable accommodations.

- F. Disability - An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited. It shall be the policy of Jackson County for the Human Resources Director to be the ADA officer, who will comply with all applicable requirements of the Americans with Disabilities Act, and employee rights and protections granted therein.



## Section 2. Disciplinary Action

- A. Policy Statement - Consistent with sound employee relations practices, it is most important that suspensions and dismissals be administered in a fair and equitable manner without prejudice or favoritism. The following formalized written policy covering this management area is intended to establish practices in as near a uniform manner as possible to be helpful to all levels of supervision and administration as well as beneficial to all employees.

Any employee may be dismissed or suspended, given a compulsory leave of absence without pay, by the County Manager whenever they consider the good of the service to be served thereby; dismissals or suspension of Department Heads must be made by the Jackson County Board of County Commissioners. The degree and kind of action to be taken shall be based upon the sound and considered judgment of County Manager and/or the Jackson County Board of County Commissioners in accordance with the provisions of this policy to assure that the intent of the policy is followed.

- B. Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority. Such actions may be taken against employees with permanent status, as defined in 25 NCAC 11. 2002 (a) (2), only for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with the provisions of this Rule. When just cause exists the only disciplinary actions provided for under this Section are:

1. Written warning;
2. Disciplinary suspension without pay;
3. Demotion; and
4. Dismissal.

- C. There are two bases for the discipline or dismissal of employees under the statutory standard of "just cause" as set out in G.S. 126-35. These two bases are:

1. Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performances.
2. Discipline or dismissal imposed on the basis of unacceptable personal conduct.



- D. Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct, as defined in 25 NCAC 11.2302 (a); .2303 (a); and .2304 (b) constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.
- E. Unsatisfactory Job Performance is work related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan or as directed by the management of the work unit or agency.

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

- 1. Inefficiency, negligence or incompetence in the performance of duties.
  - 2. Careless, negligent or improper use of County property or equipment.
  - 3. Discourteous treatment of the public or other employees.
  - 4. Absence without approved leave.
  - 5. Improper use of leave privileges.
  - 6. Habitual pattern of failure to report for duty at the assigned time and place.
  - 7. Failure to complete work with the timeframes established in work plan or work standards.
- F. Gross Inefficiency (Grossly Inefficient Job Performance) occurs in instances in which the employee: fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency; and that failure results in:
- 1. The creation of the potential for death or serious harm to a client(s), employee(s), members of the public or to a person(s) over whom the employee has responsibility;  
or
  - 2. The loss of or damage to County property or funds that result in a serious impact on the agency and/or work unit.



G. Unacceptable Personal Conduct is:

1. Conduct for which no reasonable person should expect to receive prior warning; or
2. Job related conduct which constitutes a violation of state or federal law; or
3. Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency; or
4. The willful violation of known or written work rules; or
5. Conduct unbecoming an employee that is detrimental to the County's service; or
6. The abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency; or
7. Falsification of an employment application or other employment documentation; or
8. Absence from work after all authorized leave credits and benefits have been exhausted; ( See section 1 (D) & (E) of Article VIII.)
9. Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

H. Investigatory Suspension

1. Investigatory suspension with or without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. An investigatory suspension may be appropriately used to provide time to schedule and hold a pre dismissal conference. Also, the County may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property.
2. An investigatory suspension with pay can be initially granted by the County Manager. If the investigatory suspension begins between regularly scheduled meetings of the Jackson County Board of Commissioners, such suspensions with pay will be reviewed and approved by the Jackson County Board of Commissioners in the following regularly scheduled meeting during closed session pursuant to G.S. 143-318.11(a)(7).



3. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by management by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days' pay deducted from back pay.
4. Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
5. An employee who has been suspended without pay for investigatory reasons may be reinstated with up to three (3) days' pay deducted from his or her back pay. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. This period constitutes a disciplinary suspension without pay and must be effected in accordance with the procedures outlined for this.

#### I. Employee Appeal

1. A permanent employee who has been demoted, suspended or dismissed shall have 15 calendar days from the date of his receipt of written notice of such action, to file an appeal with his/her County grievance procedure. Employees subject to the State Human Resources Act will refer to State guidelines. Grievances which do not allege discrimination must follow the County grievance procedure.
2. Grievances which allege discrimination may, at the election of the employee, proceed through the County procedure or must be filed in accordance with G.S. 150B-23 and must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.
3. Grievances filed on an untimely basis (see G.S. 126-35, G.G.S. 126-36 and G.S. 126-38) must be dismissed. Allegations of discrimination, if raised more than 30 calendar days after the party alleging discrimination became aware or should have become aware of the alleged discrimination, must be dismissed.

### Section 3. Reinstatement

- B. An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within three (3) years of the date of separation, with the approval of the County Manager, on the recommendation of the Department Head, and in the case of competitive service employees, in accordance with *Personnel Policies for Local Government Employees Subject to The State Human*



*Resources Act.* An employee who is reinstated shall be credited with previous service and previously accrued sick leave.

- B. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under USERRA and other applicable federal laws. An employee who is reinstated shall be credited with previous service and previously accrued sick leave.



## **Article IX. Grievance Procedures**

### **Section 1. Purpose**

The process outlined here provides an adequate and fair hearing and resolving matters of employment conditions of Jackson County employees. Nothing herein shall prohibit employees from filing complaints of unlawful discrimination, harassment, or retaliation in accordance with Jackson County policy.

### **Section 2. Applicability/Coverage**

This grievance policy and associated procedures applies to all departments and all employees of Jackson County set forth in Article I. Organization of the Human Resources System, Section 2. Coverage with exception of employees subject to the North Carolina Human Resources Act, employees of the Board of Elections, Sheriff, and Register of Deeds. For employees subject to the North Carolina Human Resources Act, appeals of termination should be directed to the Office of Administrative Hearings. Any other grievance by these employees should be directed to their respective Department Director or Board. For employee of the Board of Elections, Sheriff, or Register of Deeds, grievances must be presented to the Board of Elections, the Elections Director, the Sheriff, or the Register of Deeds respectively.

### **Section 3. Definition**

A grievance is defined as a claim or complaint of an event or condition that affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A complaint may involve allegations of safety and health hazards, unsatisfactory physical facilities, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow employees, harassment, or bullying.

### **Section 4. Policy**

- A. Every employee shall have the right to present his/her grievance in accordance with these procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Every employee will be allowed such time away from his/her regular duties as may be necessary and reasonable as determined by the Department Head, Human Resources Director and/or County Manager, for the processing of a grievance under these procedures without loss of pay, vacation, or of other leave accruals. All grievances filed due to dismissal or based on alleged discrimination may be appealed directly to the County Manager by submittal of



grievance to the Human Resources Director or corresponding appointing authority, indicating whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, physical or mental disability, age, veteran status, genetic information, or any other legally protected class under federal, state, or local law. Filing a grievance pursuant to this section does not supersede the statute of limitations applicable to filing charge of discrimination with the Equal employment Opportunity Commission.

- B. Grievance filed on an untimely basis will be dismissed. Allegations of discrimination, if raised more than thirty calendar days after the party alleging discrimination became aware of or should have become aware of the alleged discrimination, shall be dismissed.
- C. Employees who are covered by the North Carolina State Human Resources Act must follow the administrative procedures outline per specific Departmental policy, and, specifically for unlawful workplace harassment, for filing complaint of discrimination or harassment.
- D. The dismissal of your grievance related to discrimination has no bearing on your ability to bring a charge of discrimination with the Equal Employment Opportunity Commission.

## **Section 5. Objectives**

The objectives of this policy and associated procedures include the following:

1. To assure employees of a means to have their complaints considered rapidly, fairly, and without fear of reprisal.
2. To encourage employees to express themselves about how their conditions of work affect them as employees.
3. To provide better understanding of policies, practices and procedures which affect employees.
4. To provide Jackson County Department Heads with greater opportunity, both to exercise proper responsibility in dealing with employees, and to improve their effectiveness in carrying out established policies.
5. To improve employee opportunities in performing duties with effectiveness and satisfaction.





## Section 6. Procedure

### A. Step One

1. An employee must file a grievance in writing with the immediate supervisor within five (5) business days of the date of a grievable incident having occurred. The immediate supervisor shall meet with the employee within five (5) business days of receipt of the grievance and attempt to informally and expeditiously resolve the grievance. If the grievance is not settled, then the employee and immediate supervisor should document a statement of relief that describes the action the employee desires the immediate supervisor or organization should take to resolve the grievance.
2. If the immediate supervisor's informal resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the Department Head on the grievance and submit it no later than five (5) business days following the meeting that summarized the grievance, the requested statement of relief, and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee alleged sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint with the Department Head, Human Resources Director or County Manager, or corresponding appointing authority. Alternatives as to who to report alleged harassment or hostile work environment to are outlined in Article V. Conditions of Employment, Section 4. Unlawful Workplace Harassment, Subsection A. should the immediate supervisor, Department Head, or County Manager be the sources of the employee's grievance.

### B. Step Two

1. Employees not reaching resolution with the informal response at Step One may file the grievance and statement of relief desired, in writing, with the Department Head within five (5) business days of receipt of the immediate supervisor's written decision and shall state the basis for the complaint, and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, physical or mental disability, age, veteran status, genetic information, or any other legally protected class under federal, state, or local law.
2. The Department Head shall meet with the employee within five (5) business days of receipt of the Step Two grievance, and review the decision at Step One, and make an independent determination on the merits of the grievance. Within five (5) business days of meeting with the employee, the Department Head shall issue a written decision to the employee with copies to the immediate Supervisor and



Human Resources Director. If the employee and Department Head reach an agreement at this step, the decision and statement of relief shall be issued and the grievance will be considered resolved.

3. Should the grievance not be resolved at the Department Head level, Step Three of this procedure is available to the employee.

*C. Step Three (Not applicable to elected official employees (Sheriff and Register of Deeds), employees of the Board of Elections, or employees subject to the North Carolina Human Resources Act)*

1. Employees not reaching a resolution or timely response in Step Two are able to take the grievance to the Human Resources Director. This enables the employee, immediate supervisor, and Department Head to have the grievance reviewed by someone external to the department. The grievance may be filed with the Human Resources Director within five (5) business days of the decision or decision due date of Step Two. The Human Resources Director shall review the grievance and render a decision within five (5) business days.
2. The decision, in writing shall be provided to the employee, immediate supervisor, and Department Head. Should the employee and Human Resources Director reach a resolution, the prescribed relief shall be outlined and the grievance shall be resolved.
3. If no resolution is reached at this level, the employee may proceed to Step Four of the prescribed grievance process.

*D. Step Four*

1. Employees not reaching resolution at Step Three may forward the written grievance to either the County Manager or the corresponding appointing authority within five (5) business days of receipt of the Step Three decision. The County Manager shall review the grievance and render a decision within ten (10) business days.
2. The decision, in writing shall be provided to the employee, immediate supervisor, Department Head, and Human Resources Director. Should the employee and the County Manager reach a resolution, the prescribed relief shall be outlined and the grievance shall be resolved.
3. If no resolutions is reached at this level, the employee may proceed to Step Five of the prescribed grievance process.



### *E. Step Five*

1. Employees not reaching resolution at Step Four may forward the written grievance to the Jackson County Board of Commissioners within five (5) business days of receipt of the Step Four decision. The Jackson County Board of Commissioners shall review the grievance and render a decision within thirty (30) calendar days.
2. At Step Five in the grievance procedure, the Jackson County Board of Commissioners are utilized for a final binding decision.
3. The decision issued and applicable relief to resolve the grievance is at this stage final and binding and in itself is not grievable.

### **Section 7. Protection of Complainants, Employees, Witnesses and Representatives, from Interference, Harassment, Intimidation, and Reprisal.**

All employees shall be free from any or all restraint, interference, coercion, or reprisal on the part of their co-workers or Department Heads in making any complaint or appeal, in serving as representative of an appellant, in appealing as witnesses, or in seeking information in accordance with these procedures. The above principles apply with equal force after a complaint has been resolved. Should these principles be violated, the facts shall be brought to the attention of the County Manager by the appellant, his/her representative, or the person affected so that the appropriate remedial action may be taken.

### **Section 8. Maintenance of Records**

All documentations, records, and reports shall be retained for the minimum of three years and shall be held by the Human Resources Department. These records shall be subject to review by the employee, the employee's Department Head, the Human Resources Director, the County Manager, or other corresponding appointing authority, and by the Board of County Commissioners.

### **Section 9. Alternate Remedies**

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



## **Article X. Personnel Records**

### **Section 1. Personnel Records Maintenance**

Such personnel records as are necessary for the proper administration of the Jackson County Human Resource System will be maintained and kept up-to-date as changes occur by the Human Resources Director. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

### **Section 2. Information Open to the Public**

The following information on each County employee is public information as outlined in G.S. 153A-98:

1. Name
2. Age
3. Date of original employment or appointment to County service
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or record of the oral contract in its possession
5. Current position
6. Title
7. Current salary
8. Date and amount of each increase or decrease in salary
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the County
10. Date and general description of the reasons for each promotion with the County.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reason taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal.
12. Office to which employee is currently assigned.

### **Section 3. Access to Personnel Records**

As required by G.S. 153A-98, any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination, and copying, during regular business hours, subject to such rules and regulations for the safekeeping of public records as the Jackson County Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.



Access to such information shall be governed by the following provisions:

- A. All disclosures of records shall be accounted for by keeping written records (except for authorized persons processing personnel action) of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
- B. Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- C. An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.

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

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

- A. The employee or his or her duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited before employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.



- F. An employee may sign a written release, to be placed in his or her personnel file, that permits the person with custody of the file to provide, either in person, telephone, mail, fax or electronic transmission information specified in the release to prospective employers, educational institutions, or other person specified in the release.

Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor any other person:

- A. Testing or examination material used solely to determine individual qualifications for appointment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- B. Investigative reports or memoranda and other information concerning the investigation of possible criminal action of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- C. Information that might identify an undercover law enforcement officer or a law enforcement informer.
- D. Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have the right to inspect such materials.

### **Section 5. Remedies of Employees Objecting to Material in File**

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

### **Section 6. Penalty for Permitting Access to Confidential File by Unauthorized Person**

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction, be fined in an amount not to exceed five hundred dollars (\$500.00).

### **Section 7. Destruction of Records**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G. S. 121- 5 (b), without the consent of the State Department of Cultural



Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in G.S. 132-3.

### **Section 8. Payroll Records**

A true copy of the payroll records for each department will be kept on file in the Jackson County Finance Office and will be used in reviewing conformity by each department to established personnel rules and regulations.



# Appendix

## Appendix Item A

### Procedures Relating to Written Warning

Applicability: Unsatisfactory Job Performance and some cases involving Gross Inefficiency and Unacceptable Personal Conduct.

Essential Considerations:

1. Determine who will administer and sign the written warning.
2. Conduct a conference with the employee and explain all information in the written warning. The written warning must include the following:
  - a. Inform the employee that this is a written warning and not some other nondisciplinary process such as counseling;
  - b. Detailed list of deficiencies/ issues including specific examples which constitute evidence.
  - c. Review reasonableness of standards.
  - d. Review impact of employee's unsatisfactory job performance or unacceptable personal conduct.
  - e. Corrective action plan with time frames to be monitored for compliance. Tell the employee the time frame allowed for making the required improvements/ corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance.
  - f. Consequences of failure to meet corrective action plan or any other performance/personal conduct requirements.
  - g. Include in the letter a brief summary referencing any previous disciplinary actions.
  - h. Present copy of letter to the employee with copy to Department Head and Human Resources Director either during the conference or by the end of the following day.
  - i. File copy of disciplinary action letter in the employee's personnel file.





3. Written warnings are not grievable unless an agency specifically provides for such a grievance in its agency grievance policy.
4. It is not required that successive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.
5. A second warning which follows the procedures in #2 above and in addition, specifically informs the employee that failure to make the required improvements may result in dismissal is required before an employee can be dismissed for reasons of unsatisfactory job performance.



## Appendix Item B

### Procedures for a Pre-Dismissal Conference

Applicability: Dismissal of a permanent employee for Unsatisfactory Job Performance, Grossly Inefficient Job Performance or Unacceptable Personal Conduct.

Essential Considerations:

1. A pre-dismissal conference must precede dismissal of permanent employees for unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct.
2. Advance written notice required (as much time as is practical under the circumstance, preference would be a one day notice).
3. The notice should include the following:
  - a. Inform employee it will be a pre-dismissal conference. Include time, date and location of conference.
  - b. Provide a summary of the evidence and the issues for which dismissal is being considered.
  - c. Indicate that you are considering the action but have not reached a decision.
  - d. Inform employee he will have an opportunity to respond at the conference.
4. During the Conference:
  - a. Review information verbally.
  - b. Management may have present a second representative and, if necessary, security personnel.
  - c. No attorneys may be present.
  - d. Present specific reasons for proposed action and supporting evidence.
  - e. Ensure employee that no final decision has been made.
  - f. Solicit information from the employee which will allow him/her to present his /her side/perspective of the issues.



- g. Listen carefully and inquire where appropriate to obtain any information the employee wished to provide.
  - h. The employee does not have the option of presenting witnesses.
  - i. Terminate the conference for the purpose of evaluating and weighing all information/evidence presented.
5. Meet with appropriate management/staff/human resources/legal resources, evaluate all available information, determine the most appropriate course of action. Dismissals must be approved by the County Manager. If the decision is to dismiss, the decision shall not be communicated to the employee prior to the next business day.
6. Notify the employee of your decision. If the employee is to be terminated, you may present the letter or send by certified mail, return receipt requested.



## Appendix Item C

### Procedures for Dismissal

#### ***Based on Unsatisfactory Job Performance***

Applicability: After two prior documented disciplinary actions.

Essential Considerations:

1. Before any employee can be dismissed for Unsatisfactory Job Performance,
  - a. The employee must first receive one or more written warnings which follow the procedural requirements for a written warning, and
  - b. A second warning or other disciplinary action in which the employee is specifically notified that failure to make the required performance improvements may result in dismissal.
  - c. The agency director/Department Head shall conduct a pre-dismissal conference in accordance with procedural requirements.
  - d. The agency director/Department Head shall notify the employee, in writing, of the dismissal and the employee's right to appeal and attach a copy of the agency appeals policy.

#### ***Based on Unacceptable Personal Conduct***

Applicability: For any instance of unacceptable personal conduct.

Essential Considerations:

1. Before any employee can be dismissed for reasons of Unacceptable Personal Conduct,
  - a. The agency director/Department Head shall conduct a pre-dismissal conference in accordance with procedural requirements.
  - b. No prior disciplinary action is required.
  - c. The agency director/Department Head shall notify the employee, in writing of the dismissal and the employee's right to appeal and attach a copy of the agency appeals policy.



### ***Based on Grossly Inefficient Job Performance***

Applicability: For any instance of grossly inefficient job performance

Essential Considerations: Before an employee can be dismissed for Grossly Inefficient Job Performance.

1. The agency director/Department Head shall conduct a pre-dismissal conference in accordance with procedural requirements.
  - a. No prior disciplinary action is required.
  - b. The agency director/Department Head shall notify the employee, in writing, of the dismissal and the employee's right to appeal and attach a copy of the agency appeals policy.

### ***Based on Failure to Obtain or Maintain Credentials***

Applicability: To employees who fail to obtain or maintain any license, registration or certification required by a relevant law, rule, or provision when the duties of the position require that license, registration or certification.

Essential Considerations:

1. The employee is responsible for obtaining and maintaining current, valid credentials required by law, rule, or regulation.
2. Requirements for credentials are specified in the statement of essential qualifications or recruitment standards for classifications established by the State Personnel Commission and/or in the position description for the position.
3. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

### ***Based on Falsification of Employment Credentials or Other Documentation in Connection with Securing Employment***

Applicability: To employees and applicants for employment who have provided falsified



work experience, education, registration, licensure, or certification information that was a requirement for the position.

Essential Considerations:

1. Employees described above must be dismissed under the provisions for unacceptable personal conduct.
2. Applicants for employment as described above shall be disqualified from consideration for the position in question.
3. In cases of post-hiring discovery of false or misleading information that did not constitute position requirements, disciplinary action shall be at the discretion of the agency director/Department Head.



## Appendix Item D

### Procedures for Disciplinary Demotion

#### Applicability:

1. For Unsatisfactory Job Performance after the receipt of at least one prior written warning.
2. For any instance of Unacceptable Personal Conduct.
3. For any instance of Grossly Inefficient Job Performance

#### Essential Considerations:

1. A pre-demotion conference is required following applicable procedures from the guidelines for conducting a pre dismissal conference. Advance oral or written notice of the conference is required.
2. Furnish the employee a written statement setting forth the specific reasons for the demotion. Include in the statement:
  - a. How and to what extent the demotion will affect the employee's salary and pay grade
  - b. It is recommended that, if appropriate, a revised job description outlining the employee's revised duties and responsibilities be attached.
  - c. The employee's right to appeal. Attach a copy of the agency appeals policy.



## Appendix Item E

### Procedures for Disciplinary Suspension Without Pay

#### Applicability:

1. For Unsatisfactory Job Performance after the receipt of at least one prior disciplinary action.
2. For any instance of Unacceptable Personal Conduct.
3. For any instance of Grossly Inefficient Job Performance.

#### Essential Considerations:

1. A pre-disciplinary suspension conference is required following applicable procedures from the guidelines for conducting a pre-dismissal conference. Advance oral or written notice of the conference is required.
2. For employees subject to the overtime provisions of the Fair Labor Standards Act, the suspension must be for at least one full work day with a maximum time of two work weeks.
3. For employees who are exempt from the overtime provisions of the FLSA, the suspension must be for at least one work week with a maximum time of 2 work weeks.
4. Furnish the employee a written statement setting forth the specific reasons for the suspension and notification of the employees' right to appeal. Attach a copy of the agency appeals policy.





## Appendix Item F

### Procedures for Documentation of Dismissal

Applicability: Dismissal for cause of permanent employees for Unsatisfactory Job Performance, Grossly Inefficient Job Performance and Unacceptable Personal Conduct.

Essential Considerations:

1. Review applicable policy to insure that all requirements have been met including warnings and notifications.
2. Conduct pre-dismissal conference.
3. Prepare letter of dismissal which should include:
  - a. Reference to earlier warnings where appropriate.
  - b. If dismissal preceded by investigatory placement briefly summarize purpose and findings.
  - c. Include in detail specific reasons and evidence, if appropriate.
  - d. Brief reference to the pre-dismissal conference and employee's responses.
  - e. Emphasize reasonableness of standards and agency/department/County policies and impact of employee's actions, failure or omissions.
  - f. Notify employee of his right of appeal.
4. Review documentation and dismissal letter with appropriate management/human resources/legal counsel to assure that all procedural and evidentiary issues have been addressed.
5. Present dismissal letter to the employee with a copy of the agency/County's appeals policy or send by certified mail, return receipt requested.
6. File dismissal letter, related evidence and procedural materials in employee's personnel file with copies to appropriate parties.
7. Follow comparable procedures in 1-6 above for disciplinary demotion and disciplinary suspension actions.



## Appendix Item G

### Procedures for Other Separations Based on Special Considerations

#### Applicability:

1. Employees who fail to report to work for three consecutive workdays.
2. Employees who are separated due to unavailability for work.

#### Essential Considerations:

1. Voluntary Resignation Without Notice:
  - a. Employee who is absent without approved leave for three consecutive work days shall be considered to have voluntarily resigned;
  - b. Document that reasonable efforts have been made to contact the employee;
  - c. Written notice must be given to the employee or sent by certified mail, return receipt requested; employee has no right of appeal.
2. \*Separation due to unavailability when leave is exhausted:
  - a. Employee becomes or remains unavailable for work, leave has been exhausted and management has sufficient reasons for not granting leave without pay;
  - b. Reasons may include: Critical nature of the position, workload demands, lack of temporary assistance, etc;
  - c. Agency must notify employee in advance of the proposed separation and offer him/her an opportunity to propose alternative solutions:
  - d. Employee must be notified, in writing, of dismissal and be provided specific reasons for that dismissal;
  - e. Such separations are not disciplinary but are involuntary and may be appealed. If dismissal occurs, employee must be notified of his/her appeal rights.

\*See also 25 NCACO1I .2304 Dismissal, Causes Related to Personal Conduct, for alternate method, i.e. treating unavailability as a disciplinary matter.

