

EMPLOYEE ACKNOWLEDGEMENT FORM

This Personnel Policy Manual represents a brief summary of the more important Haywood County policies or practices, but is not intended to be all inclusive of County policies or practices. The Personnel Policy Manual describes important information about Haywood County and I understand that I should consult the Human Resource Department regarding any questions not addressed in this policy manual. I understand and agree to the following:

- **Haywood County retains the sole right in its' business judgment to modify, suspend, interpret, or cancel in whole or part at any time, with or without notice any of the published or unpublished personnel policies or practices. Since the information, policies and benefits described herein are subject to change, I acknowledge that revisions to this Personnel Policy Manual may occur, except to Haywood County's policy of employment-at-will. Only the Haywood County Board of Commissioners has the ability to adopt any revisions to the policies in this Personnel Manual.**
- **Haywood County does not recognize verbal or implied contracts for employment. The County Manager has the authority to enter into any agreement of employment for specific durations. Such employment agreements will only be valid and binding on the County when the agreement is set forth in a written document signed by the employee and the County Manager.**
- **The contents of this Personnel Policy Manual do not constitute an expressed or implied contract of employment.**
- **I have entered into my employment relationship with Haywood County voluntarily and acknowledge that there is no specified length of employment. Either I or Haywood County can terminate the relationship at will with or without cause at any time, except as specified within this Personnel Policy Manual, Federal or State law.**

Furthermore, I acknowledge that this Personnel Policy Manual is neither a contract of employment nor a legal document. I have received instructions on how to access this Personnel Policy Manual on the Haywood County Government website and upon request may receive a hard copy of this policy manual. I understand that it is my responsibility to read and comply with the policies contained in this Personnel Manual and any revisions that are made.

EMPLOYEE'S NAME: (Printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

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ARTICLE 1: ORGANIZATION OF THE HUMAN RESOURCE SYSTEM

Section 1.

Purpose

The purpose of this Personnel Policy Manual is to provide officials and employees of Haywood County with a concise document which contains policies and directives to: promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment and efficiency; and provide the means for advancement and removal of employees. This Personnel Policy Manual is established under the authority N.C. G.S. 153A. Article 5 and Chapter 126 of the General Statutes of North Carolina.

This Personnel Policy Manual replaces and supersedes all previously issued manuals, policies, memoranda and directives related to employment with Haywood County. This Personnel Policy Manual represents as the "official" personnel policies of Haywood County and should be used to conduct personnel business such as recruitment, orientations, employee relations, conditions of employment, progressive disciplinary actions and other employee related matters.

The issuance of this Personnel Policy Manual does not constitute a contractual relationship with employees. Haywood County has the right to change or suspend any provisions of this policy manual at any time with the approval of the Board of County Commissioners, except where such policy changes will conflict with applicable Federal and State law.

Section 2.

Coverage

- A. All employees in the service of Haywood County including employees of the Sheriff's Office, the Tax Collector and the Register of Deeds are subject to this Personnel Policy Manual except as described in this section.
- B. Elected officials, the County Manager and the County Attorney occupy positions that are filled by election or appointment and serve at the pleasure of the citizens of Haywood County and/or the Board of County Commissioners. These positions are exempt from all provisions of this policy.
- C. The following employees are covered only by the listed sections:
 - a. Employees governed by the State Personnel Act (Health Department and Social Services) shall be subject to all articles except Articles II, IV and VIII.
 - b. The Director of Elections shall follow this policy manual with the exception of the Recruitment Plan, Conditions of Employment, Separation, Disciplinary Action and Reinstatement and Grievance Procedures.
 - c. Employees of the Tax Collector, Sheriff and the Register of Deeds shall follow this policy manual with the exception of the Separation, Disciplinary Action and Reinstatement section.
 - d. Temporary employees and part-time employees serving without benefits, except as designated by the Haywood County Board of Commissioners shall be subject to these policies with the exception of Holidays, Leave and Employee Benefits.

Section 3.

Certification of Compliance with Federal Merit Standards

The Haywood County Board of Commissioners and County Manager hereby certify their agreement to maintain a system of personnel administration in general conformance with the standards set forth in 5 CFR Section 900.603, and to follow any other applicable laws regarding personnel and personnel administration.

Section 4.

Glossary

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

Aggregate Service: The employee's combined total period of employment service within a regular position as an employee of Haywood County, exclusive of any time allowed as transfer credit from another jurisdiction, for the purpose of determining entitlement to the particular benefit in question. Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the N.C. Local Governmental Employees' Retirement System by the employee. Aggregate service for determining the rates at which longevity and annual leave earned by an employee is determined from the total years of service with Haywood County only. Rehired employees will be eligible only for the existing benefits at the time they are rehired, such as current health insurance plan and the current leave plan.

Anniversary Date: Employee's original date of employment with Haywood County service in an approved regular position.

Appeal: An appeal is a formal process for a Covered Employee to contest a final decision made after a pre-disciplinary hearing involving an involuntary demotion, suspension without pay, dismissal or a reduction in force.

Appointing Authority: Any Haywood County Board or official with the legal authority to make hiring decisions.

Appointment: An appointment is the approval or certification of an applicant or employee to perform the duties and responsibilities of an established position subject to the provisions set up by Haywood County. The selection and appointment of all personnel into classified county service shall be made by the Office/Agency/Department Director.

Career Status Employee: A Haywood County Employee who is in a regular status position appointment and has been continuously employed by the County for the immediate twenty-four (24) preceding months. This term currently applies to employees covered under the State Personnel Act.

Child: A biological, adopted or foster child, stepchild, a legal ward or a child of a person standing in *loco parentis* who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.” This definition applies to a child that has reached adulthood in some of the policies covered in this Personnel Policy Manual as well.

Class: Positions or groups of positions having similar duties and responsibilities which require similar classifications. These are properly designated by one title indicative of the nature of the work performed and carry the same pay/salary range.

Covered Employee: A full time regular or part time regular employee occupying a regular position who has completed twenty-four (24) months of continuous service and has a Satisfactory or higher overall rating on the employee’s performance evaluation. If an employee does not receive an evaluation before the official review date, the employee will be considered to have performed in a satisfactory manner and be a Covered Employee. Absences of less than thirty-one (31) days shall not be considered a break in service. This definition does not include employees in positions such as temporary or time-limited employees.

Demotion: The reassignment of any employee to a position or classification having a lower pay/salary range than the position or classification from which they currently hold.

Disability- a physical or mental impairment that substantially limits one or more major life activities; having a record of an impairment or being regarded as having such an impairment.

Essential Job Functions: The fundamental duties of the position or the primary reason the position exists.

Exempt Employee: An employee who is not subject to the overtime and/or minimum wage provisions of the Fair Labor Standards Act.

Full-Time Employee: An employee appointed to a regularly established position and is regularly scheduled to work forty (40) hours or more per workweek. This employee is paid on either a salary or hourly basis and is designated by the Haywood County Board of Commissioners as a full-time employee.

Furlough: The placement of an employee in a temporary non-pay status and non-duty status (or absence from duty) because of lack of work, lack of funds or for other non-disciplinary reasons.

General County Employee: Any Haywood County employee not subject to the State Personnel Act.

Grievance: A claim or complaint alleging an event or condition which affects the circumstances under which an employee works.

Hatch Act: A federal act limiting political activity for state and local government employees whose principal employment is in an activity that is financed either in whole or in part by loans or grants from the federal government in order to limit possible bias and political coercion.

Hiring Rate: The wages paid an employee when hired into Haywood County service which is normally the minimum of the salary range assigned to the position the employee will hold. However, the wages could be up to a maximum of 5% above the hiring rate based on a combination of education and experience at the discretion of the Office/Agency/Department Director. Additional adjustments up to a maximum of 10% may be made at the discretion of the County Manager.

In Loco Parentis: An individual who stands or stood in loco parentis to an employee when the employee was a child.

Immediate Family Member: An employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild and grandparent. It also includes various combinations of half, step, in-law and adopted relationships that can be derived from the family members listed above.

Intermittent Appointment: An intermittent appointment may be made to positions needed only for intermittent periods of time. The intermittent service of an individual shall not exceed a total of nine (9) months during any continuous twelve-month period, except during extreme emergencies when such periods of time shall be extended to the duration of the emergency.

Employees with intermittent appointments earn no benefits.

Market Adjustment: An annual adjustment that can be made by the Haywood County Board of Commissioners effective on July 1st of each fiscal year subject to the availability of funds.

Maximum Pay Rate: The maximum wages authorized by the Haywood County pay plan for an employee with an assigned pay or salary grade.

Merit Increase: An increase in pay above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position.

Non-Exempt Employee: An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

Parent: A biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a child. This term does not include "in-law" relationships.

Part-time Employee: An employee appointed to a regularly established position who is regularly scheduled to work less than forty (40) hours per workweek. This position is paid on an hourly basis and is designated by the Haywood County Board of Commissioners as part-time. Such an employee shall be considered on a part-time, on call, or as needed basis and does not accrue benefits.

Part-Time Permanent, Trainee, or Time –Limited Appointment: An appointment of less than full-time to a regular or time-limited regular full- time position or to a regular or time-limited part-time budgeted position on a continuing basis.

Employees with regular part-time appointments that are 20-29 hours per week earn leave benefits (prorated), total county service credit and when applicable, severance pay and priority reemployment consideration. They do not receive retirement credit or health benefits; however they may belong to the group health plan by paying their own premiums.

Employees with regular part-time appointments that are 30-39 hours per week for at least nine (9) months per year earn prorated leave benefits, total county service credit, retirement credit, health insurance benefits and when applicable, severance pay and priority reemployment consideration.

Employees with appointments that are less than twenty (20) hours per week earn no benefits.

Pay Plan: A schedule of pay and/or salary ranges arranged by sequential rates including minimum, mid-point and maximum steps for each class assigned to the salary range.

Performance Evaluation System: An annual review of an employee's performance designed to facilitate fair and equitable merit pay decisions. The system recognizes performance as the basis for pay increases within the established pay range. In the case of promotion or transfer, this evaluation will be based not on the original anniversary date but upon job performance in the employee's current position. An employee who has been promoted with a raise in pay will not be eligible for another pay increase until he/she has served for a period of at least six months in their newly appointed position.

Personnel File: A personnel file consists of any employment-related or personal information gathered by the employing agency.

Employment-related information includes information related to an individual's:

- Application;
- Selection;/non-selection
- Promotion, demotion, transfer;
- Salary and leave;
- Offer letter for employment;
- Benefits;
- Performance evaluations;
- Suspension, disciplinary actions and termination.

Personal information includes an individual's:

- Home address;
- Social security number;
- Medical history;
- Personal financial data,
- Marital status, dependents and
- Beneficiaries.

The Human Resource Director is the custodian of all active and inactive personnel files for Haywood County Employees. These records are maintained in the Human Resource Department for Haywood County.

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 Haywood County Board of Commissioners that assigns classes (positions) to the appropriate pay grade.

Pre-Vocational Student Appointment (Internship): This appointment is to be used to enable students to gain practical knowledge of and further prepare for the particular occupational area. A suitable plan for training under close supervision must be developed for the individual; in the case of a co-operative, work-study, internship or similar appointment, the time schedule for work must be determined.

A copy of the plan must be submitted to the Human Resource Director. Upon successful completion of their training, individuals may be considered for any vacant positions for which they are qualified. Work time spent in a pre-vocational/internship appointment may be counted toward the required probationary period.

Probationary Appointment : Individuals receiving initial appointments to regular or time-limited regular positions must serve a probationary period. The probationary period is an extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. The probationary period shall be a total of twenty four (24) months for all Haywood County employees. During this probationary period, the employee is an "at will" employee. This includes time worked only. Periods of extended leave with or without pay do not count towards the probationary period. Extended leave is defined as leave in excess of one-half of the workdays and holidays in the month.

Employees with a probationary appointment receive leave, total county service credit, retirement and health benefits. They are not eligible for severance pay or priority reemployment consideration.

Promotion: The reassignment of an employee to an existing position or classification in the County service having a higher pay range than the position or the classification from which they previously held.

Qualified Individuals with Disabilities: A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Reasonable Accommodation: A modification or adjustment to a job, an employee practice or the work environment that makes it possible for a qualified individual with a disability to enjoy employment opportunities.

Reasonable Suspicion: Suspicion that requires further investigation based on some factual foundation (i.e. when the physical appearance and behavior of an employee suggests drug use or possession of drugs).

Reclassification: The reassignment of an existing position from one class to another based on changes in job content and responsibilities.

Reduction in Force (RIF): Reduction in force (RIF) is defined as a reduction in the workforce or the number of approved positions. This occurs because of lack of funds, lack of work and/or the elimination of one or program functions.

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

Regular Part-Time Position: A position that has been approved by the Haywood County Board of Commissioners with the duties and responsibilities that can be performed in less than a regular work day and/or work week. This position will entail a regularly established minimum of 20 hours per week and shall be eligible for benefits on a pro-rated basis.

Regular Status Employee: A Regular Status employee is a regular full-time appointment to a regular full time established position. A regular status appointment shall be given when:

- 1) The requirements of the Probationary period have been satisfied,
- 2) An employee in a Trainee/Work-Against has completed all training and experience requirements, or
- 3) A time limited regular appointment that extends beyond three (3) years.

Individuals receiving an initial appointment in county government must first serve a probationary or trainee/work-against appointment before being eligible for a regular status appointment.

Employees with a regular status appointment receive leave, total county service credit, retirement and health benefits and when applicable severance pay and priority reemployment consideration.

Salary/Pay Grade: All positions which are sufficiently comparable to warrant one range of pay rates.

Salary/Pay Plan Revision: The uniform raising or lowering of the pay ranges of every grade within the pay plan.

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

Salary/Pay Schedule: A listing by grade of the approved minimum, mid-point and maximum pay ranges authorized by the Haywood County Board of Commissioners for various position classifications of County government for hiring purposes.

Spouse: A husband or wife as defined or recognized under North Carolina law.

Temporary Employee: An appointment for a limited term, normally not to exceed three to six months, to a temporary or regular position.

Temporary Part-Time Appointment: An appointment of less than full-time for a limited term normally not to exceed three to six months.

Time-limited Regular Appointment: A time-limited regular appointment is an appointment that has a limited duration to:

- A regular position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of one (1) year or less,
- A time-limited regular position. If an employee is retained in a time-limited regular position beyond three years, the employee shall be designated as having a regular status appointment.

Trainee or Work-Against Employee: A trainee/work-against appointment may be made to a regular status position when:

- 1) The job specification includes special provisions for a trainee/work-against progression leading to regular appointment,
- 2) Recruitment efforts fail to attract qualified candidates,
- 3) Operating need warrants a trainee/work-against, or
- 4) The recommended applicant fails to meet minimum education and experience requirements.

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

Undue Hardship: An action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its' operation.

Workweek: A standard forty (40) hours per week beginning at 8:00 a.m. on Monday and ending at 8:00 a.m. on the following Monday.

Section 5.

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 class and same pay range. No applicant for Haywood 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, military or veteran status, non-disqualifying handicap, age or any other characteristic protected by the applicable Federal and State laws.

Section 6.

Board of County Commissioners

The Haywood County Board of Commissioners shall establish a Personnel Resolution, including the classification and pay plan and shall make and confirm appointments when required by law.

Neither the Board of County Commissioners nor any of their committees or members shall direct or request the appointment of any person to or his/her removal from office by the County Manager or by any Department Head or Officer authorized by such Manager to make such appointment, nor shall the Board of County Commissioners or any of its committees or members take any part in the appointment or removal of officers and employees in the administrative service of the County, other than those positions for which the Commissioners are responsible for appointing as set out in Chapter 153A of the North Carolina General Statutes.

Except for the purpose of an internal inquiry, the Board of County Commissioners and its members shall deal with that portion of the administrative service for which the County Manager is responsible through the County Manager and neither the Board of County Commissioners nor any member thereof shall give an order to any county employee in the administrative service of the County, other than the County Manager, relating to any matter in the line of his or her employment.

Section 7.

Responsibility of the County Manager

The Haywood County Manager shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend and remove all County officers and employees except those selected by the people or those whose appointment is otherwise provided by law. The County Manager shall make appointments, dismissals and suspensions in accordance with N.C. G.S. 153A-82 of this Personnel Policy manual and all applicable State and Federal Laws.

Section 8.

Responsibility of the Human Resource Director

Unless otherwise stated in the policies of this Personnel Policy Manual, the Human Resource Director shall be responsible for the following:

- The administration of the policies and procedures in this Personnel Policy Manual;
- Recommending the following types of revisions to this document to the County Manager for approval by the Board of County Commissioners;
 - a. Classification Plan

- b. Pay Plan
- c. Leave Policies
- d. Retirement, health insurance and other employee benefits

Section 9.

Appointments Required by Law

The following appointments are required by law to be made by the Haywood County Board of Commissioners:

<u>Position</u>	<u>Statute Reference</u>
Clerk to the Board	N.C. G.S. 153-A-111
County Attorney	N.C. G.S. 153-A-114
Tax Assessor	N.C. G.S. 105-294
Tax Administrator	N.C. G.S. 105-297
County Manager	N.C. G.S. 153-A-81 (1)

Section 10.

Limitations of Appointive Authority

Due to the nature of Haywood County Government, the Board of Commissioners does not have appointing authority over certain positions or employees in certain departments. The positions and departments are as follows:

Sheriff, Tax Administrator and Register of Deeds:

Pursuant to N.C. G.S. 153-A-103 and subject to the right of Haywood County to limit the number of employees in the office or department, Elected Officials have the right to hire, discharge and supervise the employees in their respective offices. However, the Haywood County Board of Commissioners must approve the hiring of relatives or nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

Haywood County Health Director

The County Health Director is appointed by the Haywood County Board of Health pursuant to N.C. G.S. 130A-40. The Health Director has the authority to appoint, discipline, supervise and dismiss all employees of the Haywood County Health Department. (N.C. G.S. 130A-41 (b) (12))

Haywood County Social Services Director

The County Social Services Director is appointed by the Haywood County Board of Social Services pursuant to N.C. G.S. 108-A-9. The Social Services Director has the authority to appoint, discipline, supervise and dismiss all employees of the Social Services Department. (N.C. G.S. 108-19)

Haywood County Library Director

The County Library Director is appointed by the Haywood County Library Board of Trustees. Professional level employees of the library, those certified as Librarians, are recommended by the Library Director and approved by the Board of Trustees. The Library Director has the authority to supervise and discipline professional level library employees. The Director also has the authority to supervise, discipline and dismiss all other library employees.

Effective: 01-01-2014

Revision: December 2013
Adopted 12-16-2013

Haywood County Elections Director

The County Elections Director is appointed by the Haywood County Board of Elections pursuant to N.C. G.S. 163-35. The Elections Board is empowered to appoint and remove a Director of Elections and registrars, judges, assistants and other offices of elections. (N.C. G.S. 163-35)

ARTICLE II: THE CLASSIFICATION PLAN

Section 1.

Policy Statement

All positions covered by this Personnel Policy Manual are to be classified according to their duties, responsibilities, qualifications needed of incumbent employees, and other related factors. In order to assure its continuing value as a personnel management tool, the Classification Plan shall be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions. The Classification Plan shall provide for employees to have equitable compensation as contemplated by state and federal laws.

Section 2.

Allocation of Positions

The Haywood County Manager shall allocate each position by the classification plan to the appropriate class in the plan.

Section 3.

Administration

The Haywood County Manager or person(s) designated by the County Manager shall be responsible for the administration and maintenance of the classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. After classification each position will be assigned to a pay grade.

Office/Agency/Department Directors shall be responsible for bringing to the attention of the County Manager the following:

- the need for new positions and
- Material changes in the nature of duties, responsibilities or working conditions affecting the classification of a position

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

- Allocate the new position to the appropriate class within the existing classification plan **OR**
- Recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated

When the County Manager or designated person finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he/she shall-

- Direct that the existing class specification be revised
- Reallocate the position to the appropriate class within the existing classification plan **OR**
- Recommend that the Haywood County Board of Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Health and Social Services Department positions shall conform to the N.C. Office of Human Resources guidelines. All applications for reclassifications prior to submission to the State office shall be prepared by the Human Resource Director.

**Section 4.
Amendment**

Classes of positions shall be added to and deleted from the Position Classification Plan by the Board of County Commissioners based on the recommendation of the County Manager and/or Human Resources Director.

**Section 5.
Procedures for Change**

A. The Position Classification Plan may have additional classes added or have classes deleted from time to time as needs of the County organization requires. The Board of County Commissioners shall approve the creation or deletion of any class.

B. When an Office/Agency/Department Director believes that a new class is needed, either to add a new field of employment or to reflect additional levels of work within an existing series of classes, the Human Resources Director shall be furnished a written statement of proposed duties for the new class and other information as necessary.

C. A class shall be deleted from the Position Classification Plan when the Board of County Commissioners, with the recommendation of the County Manager and/or Human Resources Director, has determined that it is no longer being used or needed for the positions within the County organization.

**Section 6.
Reclassification of Positions**

An employee may request that the classification of his/her position be changed, or the position be reallocated to another class.

A. The employee shall submit the request in writing to the immediate Supervisor.

B. The Supervisor shall transmit the employee's request to the Human Resources Director, together with his/her recommendations and approval of the Office/Agency/Department Director.

C. The Human Resources Director shall, upon the County Manager's recommendation, approve, disapprove, or reclassify the position to an existing classification or establish a new class for approval by the Board of County Commissioners

ARTICLE III: PAY PLAN and CONDITIONS OF EMPLOYMENT

Section 1.

Policy

In order to provide equitable and adequate compensation, the Haywood County Board of Commissioners hereby adopts the pay plan. The pay schedule reflecting both grade level, minimum, mid-point and maximum pay is approved by the Haywood County Board of Commissioners and is adopted as the salary schedule for Haywood County.

Section 2.

Maintenance of the Pay Plan

The Haywood County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private and public sector in the area. It should consider changes in the cost of living, financial conditions within the County as well as any other factors. To this end, the Haywood County Manager or designee shall from time to time make comparative studies of all factors affecting level of pay ranges and shall recommend to the Haywood County Board of Commissioners such changes in pay grades as warranted.

Section 3.

Administration of the Pay Plan

The pay plan 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 and shall recognize performance as the basis for pay increases within the established pay range. The classification plan shall meet the requirements of the State Competitive System for local government employees while maintaining a County-wide plan.

The performance appraisal system shall be designed to facilitate fair and equitable merit pay decisions and meet the needs of both management and employee. The Human Resource Director shall design the appraisal system with the final approval of the County Manager.

Section 4.

Hiring Rate/Starting Pay

New employees will be hired at no less than the minimum of their assigned pay grade. The pay may be higher than the minimum rate based on a combination of education and experience. The Office/Agency/Department Director may offer up to a maximum of 5% above the entry level rate based on the applicant's education and experience. Additional adjustments up to a maximum of 10% above the entry level rate may be made at the discretion of the County Manager.

Appointments above minimum range are to be made when deemed necessary and in the best interests of the County. These would be based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate or the refusal of qualified applicants to accept employment at the minimum rate. Any appointment above the minimum must be approved by the County Manager.

Section 5.

Performance Evaluation

Upon satisfactory completion of one (1) year and then upon each anniversary date, the employee will receive an annual evaluation. This performance evaluation will determine what percent (%) of increase the employee will receive based on the approved merit scoring system and the amount of funds allocated by the Haywood County Board of Commissioners. The employee will move up in the pay range for their assigned pay grade with a performance-based increase.

Section 6.

Failure to Perform Satisfactorily

An employee who fails to perform satisfactorily, whether during the Probationary Period or during Regular Status will be denied a scheduled pay increase. Appropriate Progressive Disciplinary Action may be taken by the Office/Agency/Department Director in accordance with the Progressive Disciplinary procedures outlined in this policy manual. Employees will be required to perform at a satisfactory level or be subject to a Work Improvement Plan, Progressive Disciplinary Action and/or Demotion.

Section 7.

Delay of Performance Evaluation

An employee's absence from work due to sick leave, leave without pay, Worker's Compensation or any other type of authorized leave is cause for the Office/Agency/Department Director to request an extension of up to twelve (12) months of the Probationary Period. They can also request an extension on the annual performance evaluation reviews in order to allow adequate time as needed for evaluation of job performance.

Section 8.

Payment at a Listed Rate

Employees covered by the pay plan shall be paid at a listed rate within the pay ranges established for their respective job classes except for those employees working in a Trainee and/or Work-Against status. This will apply also to those employees whose present wages are above the established maximum rate following transition to a new pay plan.

When an employee attains the maximum rate of a pay range for his/her present position there will be no further merit increases received unless:

1. The position is reclassified to a higher level
2. The employee is promoted to another position with a higher pay range
3. The pay range for the present position is increased.

Such employees shall be eligible for a one-time bonus for the amount of the merit increase. These employees shall be eligible for any cost of living/market adjustments.

Section 9.

Trainee or Work-Against Salaries

An applicant hired or an employee promoted to a position in a higher classification that does not meet all of the established requirements of the position shall be appointed with the approval of the Haywood County Manager at a pay rate below the minimum pay for that classification. Employees

subject to the State Personnel Act (SPA) will be designated "Trainees" or "Work-Against" in accordance with rules and regulations established by the Office of State Human Resources.

All other General County employees to be designated as "Trainees" shall be based upon recommendations of the Office/Agency/Department Director with the approval of the Haywood County Manager. An employee in "Trainee" status shall continue to receive a reduced pay until the appointing Office/Agency/Department Director and the County Manager determine that the "Trainee" is qualified to assume the full responsibilities of the position. At this point, the employee will be increased to the minimum rate of pay for the appropriate grade for their assignment.

Section 10.

Pay Rates in Promotion, Reclassification, and Demotion:

When an employee is promoted, reclassified, or demoted the rate of pay for the new position shall be established as follows:

- A. When a promotion occurs and if the employee's pay is below the new minimum, it shall be increased to the minimum rate of the pay range assigned to the class to which he/she is promoted. If the employee's current pay is already above the minimum pay rate, their pay may be adjusted upward or left unchanged at the discretion of the County Manager. This will occur provided that the adjusted pay does not exceed the maximum of the assigned pay range.
- B. When a reclassification occurs and the reclassification results in a higher pay range, the employee's pay shall be increased to the minimum of the new pay range. If the employee's current pay is already above the minimum pay rate, his/her pay may be adjusted upward or left unchanged at the discretion of the County Manager. This will occur provided that the adjusted pay does not exceed the maximum of the assigned pay range.
- C. If an employee is demoted as a result of a reclassification and his/her current pay falls above the maximum of the range for the lower class, the employee's pay will remain the same until general schedule adjustments or range revisions bring it back in line with the lower range. If an employee is demoted for disciplinary reasons, or voluntarily chooses to demote, his/her pay will be reduced to any amount in the lower pay range as long as the reduced pay does not fall below the minimum pay rate of that range. A voluntary demotion shall be covered the same way as a reclassification under this section. Demotion that occurs for disciplinary reasons shall be covered in the formal disciplinary section of this Personnel Policy Manual.

Section 11.

Pay Rates in Pay Range Revisions

If the Haywood County Board of Commissioners approves a change in pay range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A. When a class of positions is assigned to a higher pay range, employees in that class may receive a percentage pay increase or an increase to the minimum rate of the new range as the current budget will allow.
- B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an

- employee being paid at a rate above the maximum established for the new class, the pay of the employee shall be maintained at that level until such time as the employee's pay range is increased above his/her current pay (with the exception of market adjustments).
- C. If the Board of County Commissioners, at its discretion, provides funds through appropriation for an across-the-board increase, then the pay plan shall be revised upward for all grades and ranges, so that employees receive a percentage increase. Each employee's grade assignment shall remain the same.

Section 12.

Pay for Regular Part-Time Work

Compensation of any employee hired for less than forty (40) hours a week shall be computed on an hourly basis. These employees will receive the same holidays as the regular full-time employees provided that they are regularly scheduled to work on the day the holiday occurs. The holidays will be prorated according to their established percentage of time. All employees who work less than forty (40) hours a week will be covered by Worker's Compensation and Social Security. Other benefits are available as stated in the Benefits Section of this Personnel Policy Manual.

Section 13.

Overtime Non-Exempt

- A. Haywood County abides by all applicable sections of the Fair Labor Standards Act and any amendments thereto. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Haywood County who are non-exempt under the Fair Labor Standards Act.
- B. 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 prior approval from their immediate supervisor, Department Head, County Manager or corresponding authority except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons and/or one that requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- C. It is the policy of Haywood County in agreement with its employees that non-exempt employees receive compensatory time off at a rate of one and one half (1 ½) hours for each hour of overtime worked over 40 hours in a normal scheduled work week. Non-exempt employees who work in public safety activities, emergency response activities or seasonal activities may not accrue more than 480 hours of compensatory time for overtime hours worked. All other non-exempt employees may accrue no more than 240 hours of compensatory time for overtime hours worked. Any overtime must have prior approval of the employee's immediate Supervisor or Department Head.
- D. Computation for overtime shall include actual work hours worked over and above forty (40) hours in any work week for non-law enforcement employees. For non-law enforcement personnel, computation for overtime hours shall be at the standard rate of one hour per hour worked up to forty hours per week, and at one and one-half hours per hour worked above forty hours per week. In the event of an emergency situation, all County employees

- may be required to work overtime. These situations are defined under the Article III. Section 24.-Standard Work Schedule as Other Duties as Assigned.
- E. Computation for overtime shall include actual hours worked over and above the scale set for EMS and Sheriff's employees in accordance with FLSA.
 - F. Any form of leave taken such as sick leave, holidays, vacation, personal leave, and compensatory time off in a work period shall not count toward computing overtime hours.
 - G. It is the goal of Haywood County to provide a workload that can be processed within the normal working day. Work in excess of the regular schedule is discouraged unless absolutely necessary. Compensatory time is earned by all non-exempt employees who work additional time in conducting County business. The Human Resource Director's Office maintains a listing of all non-exempt and exempt positions.
 - H. Non-exempt personnel scheduled to work on an on-call basis shall earn one and one-half hours compensatory time for each hour actually worked during on-call duty outside of normally scheduled work hours and beyond forty hours of actual time worked within a work week. The time these employees work should be recorded daily on their time sheets. If work is conducted outside of regular hours, the nature of work should be recorded on the time sheet.
 - I. Office/Agency/Department Directors shall be responsible for administering their compensatory policies by allowing employees to take accrued compensatory time in a timely manner so that compensatory hours shall not accrue to excessive levels. For situations in which compensatory time off is not practical, non-exempt employees shall be paid monetary compensation included in the employee's regular paycheck for overtime; however, overtime monetary compensation must be approved by the immediate Supervisor and/or Office/Agency/ Department Director.
 - J. All non-exempt employees may accrue no more than 240 hours of compensatory time for overtime hours worked.
 - K. On-Call Time spent by an employee who is engaged to wait and unable to use the time for his/her own purposes is considered working time. Employees who are waiting to be engaged and merely required to be able to be contacted to come into work and are free to use their time as they choose are not considered to be working during their on-call time.
 - L. Employees who work on a holiday shall receive either payment for two days of work or payment for one day and receive a compensatory day off with pay at a later date. This choice shall be the employees' with the approval required from the Office/Agency/Department Director.
 - M. An employee who is "Called Back" to work for a Call-Back Emergency situation, outside his/her regularly scheduled hours, shall be paid a minimum of three hours base hourly pay for the first call and a minimum of two hours for the second call. For Sheriff's Department employees with issued vehicles, a minimum of one hour of base pay for the first and second call shall be allowed. If further calls back to work are made during the same twenty-four hour period, the employee shall receive actual (portal to portal) time for these calls.
 - N. Law Enforcement on-call periods should not be counted for the purpose of computing work hours. On-call is considered to be a back-up position for an emergency situation. Individuals that are assigned to be on-call are not restricted to the employer's premises or their own residences, but must remain in their respective response areas and must keep the Emergency Operations Center or their Supervisor informed of their location and

- telephone number. Since the employee can use this time for their own purposes it is not work time.
- O. It is the express responsibility of the supervisor along with the Office/Agency/Department Director to oversee the use of such compensatory time as required within the above policy.
 - P. Employees wishing to use and exhaust accrued compensatory time must make a 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.
 - Q. Employees must use compensatory time first before any other approved leave.

Section 14.

Payroll Deductions:

General Policy

Federal and State income taxes, Social Security tax and retirement contributions and court ordered payments shall be deducted as authorized by law and the Haywood County Board of Commissioners. It is the express policy of Haywood County to prohibit improper pay deductions. All deductions from a County employee's wages shall be in accordance with all applicable laws and when required need the employee's consent. The County has provided the following information as a means for articulating this policy and to provide guidance in the event of any employee complaints regarding improper pay deductions; in reimbursing him/her for any improper deductions and to ensure future compliance with all state and federal wage laws as well as internal policies regarding any improper pay practices.

Employees shall be required to complete all applicable forms necessary for payroll deductions required by law and Haywood County policy. Employees shall be required to keep the County informed of their personal status for withholding deductions and any other relevant information. These forms include the following: Federal W-4 and State NC-4. If an employee does not complete the required form, then deductions will be made in accordance with applicable law and policy. Employees are to be notified of deductions (if such notification has not been sent by the requesting agency) due to court order i.e. child support or wage garnishments. No deduction from an employee's wages for any period shall cause the employee's wages for any such period to be less than the wage required to be paid by Haywood County pursuant to applicable law.

Section 15.

Pay Basis Requirement for Exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law which requires that non-exempt employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13 (a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative and professional employees. Section 13 (a) (1) and Section 13 (a) (17) also exempt certain computer employees. The FLSA contains other exemptions as well. To qualify for an exemption, employees generally must meet certain tests regarding their job duties and be paid on a pay basis of not less than \$455 per week. These pay requirements do not apply, for example, to teachers and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a pay basis

or on an hourly basis at a rate not less than \$27.63 an hour. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and pay must meet all the requirements of the FLSA regulations.

Being paid on a "pay basis" means an employee regularly receives a predetermined amount of compensation each pay period on a bi-weekly basis (i.e. a pay). The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full pay for any work week in which the employee performs any work regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work. If the employer makes deductions from an employee's predetermined pay, i.e. because of the operating requirements of the business, that employee is not paid on a "pay basis." If the exempt employee is ready, willing and able to work deductions may not be made for time when work is not available.

Circumstances in which the Employer may make deductions from the pay of Exempt Employees:

Deductions from pay are permissible when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability; for absence of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for pay lost due to illness; to offset amounts employees receive as jury or witness fees or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see Disciplinary Deductions below). The exempt employee may use time accrued or other compensatory vacation or other during said period if the employee has said time. Also, an employer is not required to pay the full pay in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In the instance of FMLA Leave either partial or full day deductions may be made. Other deductions allowed by the FLSA may also be made appropriate.

Section 16.

Disciplinary Deductions

Deductions may be made from an employee's pay for a disciplinary suspension in violation of Workplace Conduct rules as set forth in Separation, Disciplinary Action and Reinstatement of the Haywood County Personnel Policy Manual. The suspension may be paid whether the employee is a salaried exempt employee or non-exempt employee.

Section 17.

Payment of County taxes by employees

The operations of Haywood County are financed primarily through the collection of County property taxes. It is therefore required that each Haywood County employee pay his/her County property tax in a timely fashion. Failure of timely payment of County property taxes will be considered a violation of these ordinance provisions and subject to the provisions for garnishment from the employee's payroll check for payment of taxes will occur. Any outstanding employee's County taxes not paid once the collection process starts in the Tax Department (and for which the

employee has not made previous arrangements with the Tax Department to pay) will be the first public tax garnishments notifications to be sent.

Section 18.

Other allowable deductions

Deductions may be made for absences resulting from work-related accidents pursuant to the County's Worker's Compensation Leave policy (following the initial seven-day waiting period) and applicable North Carolina Worker's Compensation laws.

Section 19.

Reimbursement of County Funds Deductions

In the event that an employee is allowed an advance of vacation days, has received an overpayment of wages or other funds, and resigns or is terminated from County employment prior to reimbursement of said amount, the amount owed may be deducted from said employee's final wages. If such deduction does not result in full payment of monies owed to the County, the employee will reimburse the County for the balance as per the signed agreement from initial employment. The employee may also be charged via payroll deduction the market value of all items issued to employee (e.g. equipment and keys, etc.) damaged or not returned by the employee, for other debts or obligations to the County and/or for bad checks written to the County by such employee.

Section 20.

Complaint Procedure for Improper Pay Deductions

If an employee feels their pay has been improperly reduced, they may address their concerns to the Human Resource Director. Reports of improper deductions will be promptly investigated. If the employee and the Human Resource Director cannot resolve the matter, the dispute will be referred to the County Manager. The County will promptly correct any deductions made in error or not permitted by applicable law.

Compliance:

If it is determined that an improper deduction was made, Haywood County will fully reimburse the employee for any improper deductions and will take all measures necessary to ensure that no further improper deductions are made.

The Human Resource Director will review this policy annually (and upon notice that the law has changed) to ensure compliance with applicable law.

This policy shall apply to all employees in accordance with Haywood County's policies and procedures for making deductions for reasons of public accountability. This policy will be provided to all new hires, placed in the Personnel Policy Manual and posted on the Human Resources Intranet webpage. It is the County's intent to abide by all federal and state laws related to wage deductions, including the Fair Labor Standards Act (FLSA).

Section 21.

Payroll Procedures

All employees shall be paid on a bi-weekly basis every other Friday. If payroll Friday falls on a holiday, then employees will be paid on the last working day before the holiday. Haywood County payroll is processed through the Finance Department.

Section 22.

Effective Date of Pay Adjustments

Pay adjustments shall become effective on the beginning of each pay period.

Section 23.

Payroll Advance

A confidential interest-free emergency payroll advance may be available for eligible staff members limited to one advance in a twelve (12) month period. This is provided if there is no unpaid balance from a previous advance with a maximum of two (2) advances in a five (5) year period. Employees who have completed their Probationary Period with Haywood County may request in writing a payroll advance in the event of temporary critical financial hardships. Such requests must be approved by the Office/Agency/Department Director and forwarded to the Finance Director. In the case of extreme hardships, emergency funds may be available through a 401-K loan by contacting the NC State 401-K plan to determine eligibility and assistance.

Advances are repaid through payroll deduction from the next payroll period. The entire remaining balance is withheld from the final paycheck if the staff member terminates employment. Any remaining unpaid balance will be billed by the Payroll Manager.

A staff member who has received a second or final warning during the previous twelve (12) months is not eligible for an advance for one year following the corrective action.

Employees are not eligible for a loan while on a leave of absence.

Section 24.

Standard Work Schedule

The standard work week for all employees of Haywood County with the exception of public safety employees shall be from 8:00 a.m. until 5:00 p.m. Monday through Friday.

Office/Agency/Department Directors shall work the necessary hours to ensure the satisfactory performance of their respective areas, but not less than forty (40) hours per week. When the activities of a particular Office/Agency/Department require a different schedule to meet the work needs, the Haywood County Manager may authorize a deviation from the normal schedule.

The Office/Agency/Department Director may determine the need to amend duties defined in the employee's job descriptions in order to meet the business needs of the County. These duties will be covered as Other Duties as Assigned. Employees are required to perform all lawful duties as requested of them by their Office/Agency/Department Director.

Law Enforcement employees will be paid under the 171 rule which includes a twenty-eight day work period for calculating overtime. The 171 Pay Rule is covered in Section 3(s) (1) (C) of the Fair Labor Standards Act which applies to all Law Enforcement and Fire Protection Employees.

Law Enforcement employees will be given the opportunity one (1) time per year to select the option of being paid for any overtime earned or to earn compensatory time for hours over the 171 worked in the cycle. Law Enforcement employees should notify the Sheriff of their intent to exercise this option by April 1st of each year. The change will be effective on July 1st of the new fiscal year.

While every effort will be made to accommodate an employee's request to receive pay in lieu of compensatory time for the extra hours worked, there will be occasions when paying an employee for overtime will not be possible. Therefore, it is the policy of the Haywood County Sheriff's Department to compensate employees with compensatory time off in lieu of paid overtime when necessary to avoid overspending the allocated salary and overtime budgets.

Other Duties as Assigned

In the event of an emergency situation, employees may be required to work overtime. This could occur with weather related emergencies and/or disaster related emergencies that would result in Emergency Shelters having to be opened and staffed at the direction of the Emergency Services Director, Red Cross and the County Manager. All County employees will be subject to their respective Office/Agency/Department Director's instructions and procedures for any and all emergency related duties. These emergencies will follow the Continuity of Operations Plan (COOP) that has been established for each department.

Section 25.

Meal Period Defined

The meal period may be scheduled within the normal work hours to meet the needs of the employee and the working unit, but may not be used to shorten the workday. A bona fide meal period is a span of at least thirty (30) consecutive minutes during which an employee is completely relieved of duty. It is not counted as hours worked. A so-called "meal period" of less than thirty (30) consecutive minutes must be considered as hours worked for employees who are non-exempt as defined in the Fair Labor Standards Act.

Section 26.

Termination Pay

Upon submission of resignation, an employee shall be paid for vacation leave accumulated to the date of separation. Payment is subject to a maximum of 240 hours less any deductions for debts outstanding against the County. Payment is made provided that the employee's Probationary Period has been completed and provided the employee has submitted notice in writing to his/her immediate supervisor at least two weeks in advance of the effective date of resignation. An employee who is involuntarily separated without fault (Reduction in Force) on the part of the employee shall be paid for vacation leave accumulated to the date of separation with a maximum of 240 hours.

Compensation for accumulated vacation leave shall not be paid any employee that is separated from employment for reasons of performance, disciplined personal conduct and attendance. In that instance, accrued vacation leave shall be forfeited.

Accumulated sick leave is not eligible for compensation upon termination or resignation of employment but is instead forfeited. The Finance Department shall deduct and withhold from the final paycheck any amount owed the County for group insurance premiums. Any final payment for unused vacation leave will be combined with the last paycheck. (N.C. G.S. Section 95-25.7)

No severance pay will be allowed under any circumstances unless approved by the Haywood County Board of Commissioners.

Section 27.

Longevity Pay

Longevity pay is to recognize continuous service of regular full-time and regular part-time employees. Longevity pay is an automatic annual payment made in a lump sum in the employee's anniversary month. Payment is made in the last payroll period in the employee's anniversary month subject to the availability of funds and to the employees who meet the eligibility requirements.

<u>Years of County Service</u>	<u>Longevity Pay Rate</u>
5 years but less than 10 years	2.00%
10 years but less than 15 years	2.50%
15 years but less than 20 years	3.00%
20 years but less than 30 years	3.50%
30 years or more	4.00%

To be eligible to receive longevity pay the employee must meet the following requirements:

1. An employee shall have five years of continuous qualifying service with Haywood County.
2. The employee must have a full-time or part-time regular appointment.
3. Credit for the service requirement shall not be given for temporary full-time or temporary part-time employment. Periods of leave without pay in excess of one-half the workdays in a month with the exception of Family and Medical Leave (FMLA), Military Leave and Worker's Compensation leave will not count toward service credit.
4. County service is the time for continuous regular, trainee and probationary period employment. If an employee is in pay status through working using annual or sick leave, drawing worker's compensation or an authorized military leave for one-half of more of the regularly scheduled workdays in a month, credit shall be given toward qualifying service.
5. Regular, part-time employees will receive longevity pay in proportion to their percentage of base pay.

The Human Resource Department shall be responsible for determining and certifying the length of qualifying service of each employee and for initiating the necessary steps for payment.

**Section 28.
HOLIDAYS and LEAVE**

PAID HOLIDAYS OBSERVED

The following holidays and any others as the Haywood County Board of Commissioners may designate are holidays with pay for full-time county employees.

NEW YEAR'S DAY	January 1 st
MARTIN LUTHER KING JR. DAY	3 rd Monday of January
GOOD FRIDAY	Friday before Easter Sunday
MEMORIAL DAY	Last Monday in May
INDEPENDENCE DAY	July 4 th
LABOR DAY	First Monday in September
VETERANS DAY	November 11 th
THANKSGIVING	4 th Thursday and Friday in November
CHRISTMAS	See schedule below

WHEN CHRISTMAS FALLS ON

SUNDAY
 MONDAY
 TUESDAY
 WEDNESDAY
 THURSDAY
 FRIDAY
 SATURDAY

the County observes

Friday and Monday
 Monday and Tuesday
 Monday, Tuesday and Wednesday
 Tuesday, Wednesday and Thursday
 Wednesday, Thursday and Friday
 Thursday and Friday
 Friday and Monday

All salaried employees appointed to a regularly established position, and all regular part-time employees normally scheduled to work on the day on which the holiday falls, shall receive these holidays with pay. For exempt, salaried individuals, this means that the person will receive his or her full normal pay for the week even though he or she did not work a full week due to the holiday.

Regular part-time employees are entitled to be paid for holidays in proportion to the number of hours scheduled to work. In other words, if any employee is ordinarily scheduled to work one half time, then that employee would receive pay for one half of the holiday.

Temporary employees are not eligible to receive benefits and therefore are not eligible to receive paid holidays.

Employees who wish to use leave for religious observances must request leave from their respective Office/Agency/Department Director. The Office/Agency/Department Director will attempt to arrange the work schedule so that the employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the county.

Effect of Holidays on Other Types of Paid Leave

Regular holidays that occur during an annual, sick or other paid leave period of any officer or employee of the county shall **NOT** be charged as annual, sick or other paid leave.

HOLIDAYS – When Work is Required

With the exception of public safety employees or those working a deviation from the normal work schedule, employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one (1) hour off for each hour worked on a holiday
Compensatory time for holiday work shall be used within three (3) months from the time it is earned.

Section 29.

Vacation Leave

For the purpose of earning and accruing vacation leave, the period of twelve (12) calendar months between January 1st and December 31st is established as the leave year. All regular full and part-time probationary and trainee employees shall accrue vacation leave at the following rate:

<u>Length of Service</u>	<u>Days Earned Per Year</u>
Less than 2 years	10 days
2 years less than 5 years	12 days
5 years less than 10 years	15 days
10 years less than 15 years	18 days
15 years less than 20 years	21 days
20 or more years	24 days

Regular part-time employees will earn leave in proportion to the number of hours scheduled to work.

Vacation leave may be accumulated without any applicable maximum until December 31st of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. On December 31st, any excess over the thirty (30) days or 240 hours will be converted to sick leave. The accumulated leave of thirty (30) days or 240 hours will be carried forward to January 1st of the next calendar year.

Vacation leave shall be taken with the prior approval of the employee’s Office/Agency/Department Director. Vacation Leave for Office/Agency/Department Directors shall be taken with the prior approval of the County Manager as applicable.

An employee who resigns or who involuntarily without fault (i.e. Reduction-In-Force) is separated shall be paid for vacation leave accumulated to the date of separation, which is not to exceed a maximum of thirty (30) days or 240 hours provided they have satisfactorily completed their Probationary Period and have given the appropriate notice. **Compensation for accumulated vacation leave shall not be paid to any employee disciplinarily terminated. Such leave shall be forfeited.** Any amount owed the county by the employee shall be deducted from the employee’s final compensation.

The estate of an employee who dies while employed by the county shall be entitled to payment for all of the accumulated vacation leave credit to the employee’s account, not to exceed a maximum of thirty (30) days or 240 hours.

Section 30.

Sick Leave

Sick leave is a privilege and not a right.

Employees may be granted sick leave for absence due to the following:

1. Sickness or bodily injury that prevents the employee from performing his or her regular duties, or the illness of the employee's child that requires their immediate care and attention (including FMLA qualifying events).
2. Medical or dental appointments
3. The actual period of temporary disability caused or contributed by pregnancy, miscarriage, childbirth, or recovery there from. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
5. Death in the employee's immediate family with a maximum of three (3) days for any one occurrence. Additional leave time under exceptional circumstances may be authorized by the Office/Agency/Department Director (See Funeral Leave)

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken or not later than two (2) hours after the beginning of a scheduled working day. Sick leave may be taken only with the approval of the immediate supervisor.

Each regular salaried employee occupying a regularly established budgeted position (Full Time Equivalent or FTE) shall earn sick leave at the rate of one (1) day per calendar month or 3.70 hours bi-weekly or per pay period. Regular part-time employees will earn sick leave in pro-rata proportion to the number of hours scheduled to work. Sick leave will be cumulative for an unlimited number of days. At the time of separation any sick leave owed the County shall be deducted from the employee's final compensation. Accumulated sick leave is not paid to the employee at termination or resignation but is instead forfeited.

For all absences due to illness extending beyond three (3) days or two consecutive twenty-four (24) hour shifts (EMS), a physician's certificate providing proof of the employee's inability to work due to illness, injury, or illness in the employee's family is required. At the expiration of an authorized sick leave period, the employee's Office/Agency/Department Director or the County Manager may require a physical and/or mental examination at the County's expense and by a physician of its choice to determine if the employee is able to resume his/her normal duties.

Failure of an employee to provide requested proof shall constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action, up to and including dismissal of employment with Haywood County.

Sick leave earned is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires and one (1) additional month is credited for any part of twenty (20) days unused sick leave left over.

Unused sick leave earned from another North Carolina government agency and/or entity will be accepted and transferred to the county as follows:

1. The total number of days accepted as transferred will be added to record after verification of accumulated sick leave is received in writing from the previous employer. It is the responsibility of the employee to provide or make arrangements for this information to be provided to the Human Resource Department.
2. The credit for sick leave only applies to employees who come directly to the County from the previous employer with no more than one month's gap in service with a State or Local government employer.
3. The transfer of the sick leave must be completed within one (1) year of the employee's last working day with the previous employer.

No employee shall be paid for any accrued sick leave upon retirement, dismissal, termination or any other type of separation from the county.

Section 31.

Leave Without Pay- (LWOP)

Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Office/Agency/Department Director. The granting of such leave is at the discretion of the appointing authority and does not have to be granted. The employee may elect to use appropriate accrued leave before going on leave without pay status. Such leave may be extended by the appointing authority for up to six (6) calendar months at the convenience of the county.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining his or her accumulated vacation leave. The employee must use accrued vacation leave before requesting leave without pay.

The employee shall apply in writing to the appointing authority for leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to an equivalent position with equivalent pay. When an employee is in leave without pay status, the date of their performance evaluation and any subsequent increase may be delayed.

The employee may continue to be eligible for benefits under the County's group insurance plans through COBRA. An employee ceases to earn all benefits including leave credits on the date leave without pay begins.

If the employee decides not to return to work, the appointing authority should be notified immediately. Failure to report at the expiration of a leave of absence shall be considered a resignation. For cases related to FMLA, see the section on FMLA in this Personnel Policy Manual with regard to leave without pay.

Section 32.

Civil Leave (Jury Duty)

Civil leave may be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding. The employee shall receive leave with pay for such duty without charge to accumulated leave.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the Finance Director any witness fees or travel allowances awarded for court appearances in connection with official duties.

When an employee's obligation for jury or witness duty ends during the work day, the employee shall return to work as soon as practical. While on civil leave, benefits and leave shall accrue as though on regular duty.

Exceptions: An employee who is a principal in private litigation shall not be entitled to civil leave, but may take vacation leave or leave without pay for necessary court appearances with the approval of the appointing authority.

In addition, paid civil leave of up to three days duration may be requested by an employee needing time off in order to officially honor the military duty of an immediate family member. Such an employee has the right to appeal to the County Manager via letter explaining the circumstances of the request. Further days needed due to lack of accrued paid leave time may be acquired through regular Voluntary Shared Leave process upon approval by the Office/Agency/Department Director, Human Resource Director and the County Manager.

Section 33.

Personal Leave

Each employee is entitled to earn personal leave at the rate of .692 hours per pay period with a maximum accumulation of fifteen (15) hours. The total of 15 hours may be carried over to the new calendar year. A maximum of three (hours) of personal leave may be used at a time, upon approval of the employee's Office/Agency/Department Director for the following reasons:

1. Personal matters.
2. Time lost by reporting late to work.
3. Absences due to adverse weather conditions not to exceed three (3) hours.

Unused personal leave will not be paid when an employee separates from County employment.

Section 34.

Educational Leave

Haywood County encourages employees to enhance their knowledge and skills as they relate to their job. Therefore, paid time will be granted in the following circumstance:

- A. Required Credentials, License or Certification- Paid time will be allowed for courses, conferences and seminars directly related to the particular job or field in which the employee works. In addition, the Office/Agency/Department Director shall work with supervisors or employees to ensure that the department budgets adequate funds to cover

the full cost of such required courses, conferences and registration fees, along with testing and any other fees or costs associated with attaining and maintaining credentials, licensure, certification, etc. The training may include refresher courses, academic or commercial courses.

In addition, extended education leave may be granted in the following circumstances:

- B. Full-time regular employees may be granted pay during normal working hours for training in a career-related course of instruction to enhance knowledge and skills for Succession Planning purposes. This leave may be granted only when a comparable course is not available after working hours. Attendance in such courses is considered to be voluntary and is not to be considered as hours worked. Consequently compensatory time cannot be earned to attend such courses. Full time regular employees can request an alternate work schedule to attend courses without pay and the Office/Agency/Department Director shall decide whether or not to grant such leave.
- C. Time away from work may not exceed actual time for classroom instruction for one course each semester or quarter and in addition a reasonable amount of travel to and from the location of the course.
- D. Courses taken for cultural and personal enrichment must be taken after normal working hours.

To be eligible for educational leave under B. the employee shall submit a letter requesting educational leave to his/her appointing authority stating the nature and schedule of the course and how it would benefit the employee in his/her work. Extended periods for educational leave may be considered under the leave without pay provisions.

All educational leave must have the approval of the appointing authority.

Section 35. Funeral Leave

An employee shall be granted up to twenty four (24) hours of Funeral Leave with pay, in case of a death in the employee's immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, in-law and step relationships derived from those listed above, grandparents, and grandchildren. In other cases where a relative is not covered by the definition of immediate family as stated above, and where unusual circumstances, warrant, funeral leave may be granted by the appointing authority. If additional leave is necessary beyond the three days, sick leave, vacation or compensatory time may be taken.

Regular, part-time employees will be granted funeral leave in the same relation as to the regular hours worked. If the employee is normally scheduled to work four hours per day, then that employee would be allowed four hours of funeral leave per day for three days.

Temporary employees are not entitled to funeral leave.

Section 36.

Voluntary Shared Leave Program

Purpose

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. This policy provides a safety net against pay interruption for employees who have such a catastrophic health condition (or that of an immediate family member) causing them to be unable to perform their assigned job duties. Since these employees could be without income at the most critical point in their work life, this policy is intended to provide an opportunity for employees to assist another affected by a medical condition or that of an immediate family member that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave. The purpose is not to provide unlimited sick leave for any medical reason and it does not permit "banking of leave."

Donated Leave

An employee donating leave may elect to donate a minimum of four hours of vacation leave or compensatory time. Vacation leave of the donor must not drop below 160 hours of leave after any donation. Sick leave may not be donated due to its eligibility for retirement credit. The only exception to this rule is elected officials. Since elected officials accrue only sick leave and are not eligible for vacation leave accrual, only elected officials will be allowed to access sick leave for the purpose of donating to a voluntary shared leave request. Leave donated shall be kept confidential. Only individual employees may reveal their donation or receipt of leave.

Eligibility

Any full-time employee with one year of Haywood County service is eligible to donate or request leave. An employee requesting leave through the Voluntary Shared Leave Program must first exhaust all earned, compensatory time, unused personal, sick and vacation leave. An employee who is unable to work due to an accident, chronic illness or major medical condition (or due to the FMLA qualifying serious health condition of an immediate family member) is eligible to request to participate in the Voluntary Shared Leave program upon documentation of the need for leave by a physician.

The maximum hours received for donated leave shall not exceed the FMLA period and is limited to one request per calendar year. In addition, before requesting leave for a foreseeable qualifying event under the FMLA guidelines, the employee must have saved as much as possible of their own leave to cover the qualifying event. The Office/Agency/Department Director must determine that the employee has complied with this section before the request for donated leave can be approved.

Employees needing time off in order to honor military duty for an immediate family member has the right to appeal to the County Manager for consideration under the Civil/Military Leave Exemption of the Voluntary Shared Leave Program.

The following situations are not eligible for Voluntary Shared Leave:

- a) Elective surgery;
- b) An employee receiving Worker's Compensation benefits:

- c) Any employee's donation of leave to a participant in the Voluntary Shared Leave Program is voluntary. Direct solicitation of employees for Voluntary Shared Leave Program donations is not permitted. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

Process

- In order to receive voluntary shared leave, an employee must have complied with existing leave rules and:
- Have a prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period of time),
- Complete the application form to become a recipient,
- Produce a physician's statement to support the need for leave beyond the available accumulated leave, and:
- Have the request for Shared Leave reviewed by the Human Resource Director for eligibility, and be approved by the Office/Agency/Department Director and the County Manager.

Once a Shared Leave request is approved, the Human Resource Director/ or designee may advise all county employees regarding the request for shared leave, releasing only the information authorized in writing by the employee. The Human Resource Director/ or designee may elect to release the request first to employees in the requesting employee's department before communicating the request to all county employees.

Non-exempt employees may make donations of leave which must be a minimum of four hours. Exempt employees must donate a full day- eight (8) hours.

An employee who wishes to donate leave to an employee requesting Shared Leave must complete a Shared Leave Donor Application and submit this to the Human Resource Director within the time period specified for the request. This application must be approved by the Office/Agency/Department Director prior to being submitted to the Human Resource Director.

Donated leave hours are transferred from the employee(s) donating leave to the employee receiving the shared leave on an as needed basis at the recipient's rate of pay. Once leave is donated and transferred to the employee receiving the leave, it may not be returned to the donating employee. However, donated leave in excess of the amount needed shall be returned to the donor(s) by the Human Resource Department on a prorated basis and credited to the same account from which it originally came.

During the period an employee is using shared leave, the employee continues to be in a leave earning capacity, and is entitled to holidays, may receive any pay increase for which otherwise eligible, and may receive benefits offered under the county's group health insurance policies.

If a recipient separates due to resignation, death or retirement, participation in the program ends.

Section 37.

Compensatory Leave-Exempt

Employees who are exempt from the Fair Labor Standards Act and work more than the normal forty (40) hour work week to perform the duties of his/her office may be granted time off by the Office/Agency/Department Director. The Office/Agency/Department Director may be granted time off with the approval of the Haywood County Manager, as applicable. Compensatory leave will be used before any other leave is approved. Exempt employees may only accrue up to 80 hours and will not be paid for any balance of compensatory leave over the 80 hours earned at the time of separation with the county.

Section 38.

Children's School Involvement

Chapter 509 of the 1993 Session Laws amended N.C. 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 1st, 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 for 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 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 N.C. G.S. 110-86. Employers cannot take adverse employment action against an employee who requests leave under this section.

Leave taken may be compensatory time (which should be taken first), vacation leave or leave without pay.

Section 39.

Family and Medical Leave (FMLA)

Purpose

This section of the Haywood County Personnel Policy Manual is to define policy and procedures with regard to leave under the Family and Medical Leave Act (FMLA).

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons;

and to promote the goal of equal employment opportunity for women and men. Eligible employees may request this leave for the reasons set forth below.

ADVISORY NOTE: WORKERS' COMPENSATION LEAVE- *If an employee is out on workers' compensation leave drawing temporary total disability, the time away from work is considered as a part of the FMLA-12 week entitlement. FMLA and Workers' Compensation run concurrently (this is true for any elective disability policies as well) with any accrued time.*

Eligibility

Employees who have completed 1250 hours of employment with the County in the last twelve months and have been employed by the County for at least twelve months in the last seven years are eligible for Family and Medical Leave during each calendar year.

Haywood County will utilize a "rolling" twelve month period (rolling forward from the date of occurrence) for leave requests under this FMLA policy.

Employees will be required to apply all accrued sick and vacation leave towards qualifying FMLA leave. Additionally, FMLA runs concurrently with any other paid leave to which the employee is entitled, including without limitation, workers' compensation leave and disability leave. In other words, FMLA leave will run concurrently with the paid leave days until the paid leave days are exhausted. The remainder of the FMLA leave period if any will be unpaid once all accrued paid leave has been exhausted.

Applying for Leave

It is the employee's responsibility to promptly alert Human Resources as to his/her need for FMLA leave in clear and unambiguous language. Merely calling in sick will **NOT** trigger FMLA leave. All leave requests should be in writing and state the reason leave is needed, the duration of the leave, and the starting and ending dates. When Human Resources receives notice of the need for FMLA leave, it will provide the employee with the required forms to be completed to process the requested leave.

Employees and/or anyone within an employee's chain of command that becomes aware of potentially FMLA Eligible Events (see definitions below) are required to notify Human Resources as quickly as possible. Employees are asked to provide thirty (30) days' notice of the need to take FMLA leave when the need is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatments or service member leave.

Employees who are unable to give 30 day's written notice of the need for FMLA leave because it is unforeseeable, must give notice as soon as practicable which generally means verbal notice to the employer within one or two business days of learning the need for leave. When possible, the employee must make reasonable efforts to schedule leave so as not to unduly disrupt county operations.

Types of FMLA Available

Eligible employees may be granted up to twelve (12) weeks of FMLA leave during a twelve (12) month period for the following Qualifying Events:

- For the birth of a child and to care for the employee's child after birth; for placement with employee of a child for adoption or foster care; and to care for the newly placed child
- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care or to care for the child after placement,
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
- Service member leave as described more in depth in another section for this type of leave.

Eligibility of Spouses Employed with Haywood County

In circumstances in which both eligible spouses are employed by Haywood County, these employees are permitted to take only a combined total of twelve weeks (12) of FMLA Leave during the twelve (12) month period:

- For the birth of a son or daughter, or to care for the child after birth;
- For the placement of a son or daughter for adoption or foster care, or to care for the child after placement;
- To care for parent (but not a parent in -law) with a serious health condition.

In circumstances in which both spouses use a portion of the total twelve (12) weeks of FMLA Leave for one of the purposes listed above, the husband or wife should be entitled to the remainder of the twelve weeks for another qualifying purpose.

If one spouse is ineligible for FMLA Leave, the other eligible spouse would be entitled to the full twelve (12) weeks of FMLA Leave.

Definitions for Purposes of this Policy

Haywood County intends to follow the definitions used in the FMLA and related regulations, as those definitions may change from time to time. If any employee has questions about the definition of a term under the FMLA, he/she may consult Human Resources to obtain the current legal definition of the term in question. Under this policy the following are defined as listed below:

- "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage in which the employee resides.
- "Parent" means a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child. Haywood County reserves the right to examine birth certificates or other documentation that establishes this type of relationship.
- "Son" or "Daughter" means an employee's biological, adopted or foster child, stepchild, or legal ward, or a child for whom you have day to day responsibility for care and financial support who is under age 18, or 18 and older and "incapable of self-care" because of a mental or physical disability.
- "Serious health condition" means an illness, injury, or physical or mental condition that involves-
 - Inpatient care in a hospital, hospice or residential medical care facility or any subsequent treatment in connection with such inpatient care; or
 - Certain types of continuing treatment by a health care provider.

Medical Certifications and Re-certifications

Haywood County will require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. The certification must be turned in to the Human Resource Department within 15 days of the county's response to the employee's request for Family or Medical Leave. Leave under this policy may be delayed or denied to any employee who fails to furnish medical certification.
- Second or third medical opinions may be required at the county's expense.
- Subsequent recertification of serious health conditions may be required by the county.
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.
- A fitness for duty certification at the end of FMLA leave taken on account of the employee's own serious health condition.

Any failure by the employee to provide the required notice of the need for FMLA leave or the required medical certification documentation, or to check in with Haywood County periodically as required during the leave, may result in a delay in certifying the leave, a denial of the leave, or the termination of previously approved FMLA leave.

Before returning from Family and Medical Leave, Haywood County reserves the right to have an employee be certified "Fit for Duty" by a health care provider. This form should state the employee is ready and able to return to work. Should the employee wish to return to work before the date originally established the notice should be turned in 5 working days prior to the employee's planned return to duty.

Maintenance of Health Benefits

While on FMLA leave the employee's health insurance benefits will continue in force. Deductions from pay to cover the employee's share of the premiums will continue while the employee is on paid leave. Once the employee is no longer receiving pay, Haywood County will pay the employee's portion of the premium for the remainder of the twelve week FMLA period. If the employee has covered dependents, the employee will be responsible for paying the premiums for the dependent coverage billed to them by the Human Resource Department upon receipt of the bill. If leave has been extended beyond the twelve week period and the employee is not being paid, the employee will be responsible for paying all benefit premiums as billed to them by the Human Resource Department or COBRA through the insurance third party administrator. If the employee fails to pay the bill timely for any premiums due, the insurance coverage will be cancelled.

If an employee fails to return to work for reasons within their control after the expiration of leave, Haywood County has the right to recoup any health insurance premiums made on their behalf during any unpaid FMLA leave.

Job Restoration

When returning from FMLA leave, an employee will be returned to his/her former position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

Haywood County cannot guarantee an employee will be returned to the exact position he/she previously held.

Key Employee Exception

Under limited circumstances when restoration to employment will cause substantial and grievous economic injury to its operations, Haywood County may refuse to reinstate certain highly-paid "key" employees to the position previously held. In order to do so the county must first notify the employee in writing of his/her status as a "key" employee, the reasons for denying job restoration, and must provide the employee a reasonable opportunity to return to work after so notifying the employee.

A "Key Employee" is an "eligible" employee who is among the highest paid ten percent of employees for the county.

Inability to Return to Work When FMLA Leave is exhausted

If an employee has exhausted his/her available FMLA leave and remains unable to return to work, the following provisions shall apply:

1. If the employee has a balance of accumulated paid leave, the employee may use that leave until either leave runs out or the employee is able to return to work.
2. If the employee does not have any accumulated paid leave remaining, then the Office/Agency/Department Director shall contact Human Resources. Human Resources will contact the employee to discuss the employee's return to work date, and what the employee might suggest on how this may be accommodated.
3. Once the employee has exhausted all accumulated paid leave, then the Office/Agency/Department Director shall contact Human Resources. Human Resources will contact the employee to discuss the employee's return to work date, and what the employee might suggest on how this may be accommodated.
4. Available options may include an extension of further unpaid leave. Human Resources will confer with the Office/Agency/Department Director and the County Manager on this request.
5. If the requested return to work date (and the accompanying request for an extension of unpaid leave) is too great to be accommodated, then the Office/Agency/Department Director will, with the assistance of Human Resources, write the employee and tell them that the request has been denied. This letter will contain a date for the employee to return to work and that if the employee fails to return to work on or before that date, then the employee will be separated as of that date. The letter shall also inform the employee that if this separation occurs, it will be considered an involuntary separation and may be grieved by the employee through the County's grievance procedure.

If an employee fails to return to work after a requested period of FMLA has expired, but the employee is entitled to more FMLA leave, an extension may be requested. A request for an extension will be subject to the same notification and certification requirements as the original application or leave. The request for an extension must be made as soon as the employee realizes the original period of leave will not be sufficient. Notice must be received by the employee's immediate supervisor as well as the Human Resources Department.

Employees needing intermittent leave or reduced leave will be expected to schedule leave so as not to disrupt county operations.

Intermittent leave may be taken on an as needed basis when an employee does not need leave over a period of weeks. Such intermittent leave must be approved by Haywood County Human Resource Director per appropriate medical certification or per appropriate certification of need in the case of adoption or child placement.

Leave taken as a result of a serious health condition of the employee or the employee's spouse, child or parent make be taken:

- Sequentially, or as a single block of time;
- Intermittently, or according to a specified and current treatment plan for the employee or as a part of the employee's caretaker obligations;
- On a reduced work schedule, whereby the employee's normal work schedule is reduced to accommodate the employee's medical needs or caretaker obligations.

If an employee seeks intermittent leave, Haywood County may require the employee to temporarily transfer to an alternative or part-time position that better accommodates recurring periods of absence. This alternative position will have equivalent pay and benefits.

Service Member Family and Medical Leave

In the National Defense Authorization Act for Fiscal Year 2008 (NDAA), Congress amended the Federal Family and Medical Leave Act (FMLA) to add a new category of protected leave for military families ("Service Member FMLA").

This policy supplements the county's existing FMLA policy. Except for the special provisions described below, an employee's eligibility requirements, rights and obligations with respect to Service Member FMLA are covered by our existing FMLA policy.

LEAVE ENTITLEMENT

Service Member FMLA provides eligible employees with unpaid leave under the following circumstances:

- To care for a covered family member (defined as a spouse, son, daughter, parent or next of kin) who is a current member of the armed forces, including the National Guard and Reserves (hereinafter "Armed Forces") and who has incurred any injury or illness in the line of active duty in the Armed Forces if such injury or illness may render the family member medically unfit to perform the duties of his/her office, grade, rank or rating. This would include service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who otherwise are on the temporary disability retired list.
- For any "qualifying exigency" situation arising out of the fact that the eligible employee's spouse, son, daughter or parent is on, or has been notified of any impending call, active duty in the Armed Forces. There are eight types of "qualifying exigencies" :
 - 1) Short-notice deployment
 - 2) Military events
 - 3) Child care and school activities
 - 4) Financial and legal arrangements

- 5) Counseling
- 6) Rest and recuperation
- 7) Post-deployment activities
- 8) Additional activities not encompassed in the other categories but related to the covered service member's active duty or call to active duty and which the employee and the county agree shall qualify as an "exigency" for purposes of this policy.

DURATION OF SERVICE MEMBER FMLA

When leave is to care for an injured or ill family service member, the eligible employee may take up to twenty six (26) weeks of leave during a single twelve month period to care for the service member.

Leave to care for an injured or ill family service member, when combined with other FMLA leave, may not exceed twenty six (26) weeks in a single twelve month period. This type of leave begins on the first day the eligible employee takes FMLA leave to care for the covered service member and ends twelve months later regardless of the method used by the county to determine the FMLA period for other FMLA-qualifying reasons. If the employee does not use the full twenty six weeks during the "single 12 month period", the balance of the twenty six weeks is forfeited. Employees may take more than one period of twenty six work weeks of leave during their employment with the county if the leave is to care for a different covered service member or to care for the same service member with subsequent serious injury or illness, except no more than twenty six weeks of leave may be taken in any single twelve month period.

When leave is due to a "qualifying exigency," the eligible employee may take up to twelve (12) weeks of leave during a leave year. Leave due to a qualifying exigency, either by itself or when combined with other FMLA leave, may not exceed (12) weeks in a single leave year.

OTHER PROVISIONS

Service Member FMLA runs concurrently with other leave entitlements provided under federal, state or local law or county policy (including worker's compensation leave, short and long term disability leave, etc.) Service Member FMLA is subject to the same requirements, including concurrent use of vacation or sick leave, as set forth in the county's FMLA policy.

Intermittent Service Member FMLA is available on the same terms as it is for all other FMLA leave under county policy or when necessary because of a qualifying exigency.

Haywood County may require that a request for Service Member FMLA be supported by a written certification of the need for leave. The County may also request a copy of military documentation showing that the employee or family member is on active duty, has been called to active duty or was injured or became ill during active duty. Further, the County may seek confirmation of the employee's family relationship with the service member who is ill or injured or is on active duty or has been called to active duty. Requests for medical certification would be directed to the health care provider of the ill or injured service member.

Other Considerations

The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or discharge or discriminate against any person because of involvement in any proceeding under or related to the FMLA.

Employees may not engage in other employment while on FMLA leave from Haywood County.

General questions or concerns about FMLA or Service Member FMLA should be directed to the Human Resource Department as they arise.

Section 40.

Military Leave Policy for Call up to Active Duty

The Uniformed Services Employment and Reemployment Rights Act (USERRA) governs the rights of employees who temporarily leave their jobs as a result of their voluntary or involuntary service in the United States uniformed services.

Eligibility Criteria

An individual must meet the following criteria to be protected by USERRA:

1. An **employee** who is leaving his/her job to serve in the **uniformed services**.
Employee:
 - Coverage extends to any job where there is a reasonable expectation that employment will continue for a significant period.
 - Jobs can be full-time, temporary, seasonal and/or probationary.
 - Exception: if a job is for a brief, non-recurrent period with no expectation of employment indefinitely or for a significant period, employees are eligible for protection discrimination, but may not have reemployment rights.
 - Includes applicants for employmentUniformed Services:
 - Includes voluntary and involuntary service for active duty training, special work, drill (weekend and weekday), funeral honors and fitness for duty examination.
 - Armed Forces Active and Reserves (Army, Navy, Marine Corps, Air Force, Coast Guard);
 - Army National Guard and Air National Guard;
 - FEMA's Disaster Assistance teams
 - Commissioned Corps of the Public Health Services
 - Military service academies (e.g. West Point); and
 - Reserve Officers Training Corps (ROTC)
2. The employee must give "**advance notice**" of the service.
 - Can be written or oral
 - Can be from employee, member of employee's family, or an officer of the uniformed service

- Does **NOT** have to say whether he/she will return after service. In fact, can resign his/her position and still be entitled to reemployment rights.
 - As far in advance as is reasonable under the circumstances
 - Exception: Notice not required if cannot be given because of military necessity and/or it is otherwise impossible or unreasonable.
 - Employee does not need to get permission before attending service or training.
Therefore, there can be no requirement that they must get permission before attending voluntary training.
3. Cumulative military service during employment of no more than five (5) years.
- Includes only the time employee spends actually performing services.
Therefore, does not include time preparing or returning from service, even if employee is away from work.
 - Before invoking the cumulative service time as a reason for ineligibility, note all exceptions and carefully calculate time
 - Exceptions: There are many exceptions including an employee being unable to obtain release, being hospitalized from an illness or injury incurred during active duty, and drills such as annual training.
4. Released under honorable or general circumstances.
- No particular type of discharge; rather regulation lists types of discharge making employee ineligible (“disqualifying discharge”).
 - A disqualifying discharge can later be changed to a qualifying discharge (retroactive upgrade). If that happens, employee is entitled to reinstatement, but not to benefits that would have accrued between the time of discharge and the upgrade.
5. Report back to work/request reemployment in a timely manner.
- Timing depends on length of service:
 - If purpose is fitness examination (any length of time) or less than 30 days, must report back at beginning of the first full regularly-scheduled work period;
 - If more than 30 days but less than 181 days, must submit application for reemployment not later than 14 days after completing service; and
 - If more than 180 days, must submit application not later than 90 days after completing service.
 - If it is impossible or unreasonable for employee to meet report timing, can submit application as soon as possible.
 - Application for reemployment can be written or verbal.
 - If fails to timely report, does **NOT** automatically forfeit right to reemployment and other USERRA rights- becomes subject to established policies for attendance.
 - NOTE: All reporting deadlines are extended for 2 years if employee is injured during service.

- Documentation upon return to work:
 - If service is more than 31 days, can require documentation to establish that the application for reemployment is timely; has not exceeded the 5 year limit; and the discharge was not disqualifying.
 - Cannot delay reemployment waiting for the documentation if it is not readily available; rather reemploy and can terminate if find that employee was not entitled to reemployment.

Employee Rights/Employer Obligations

Rights and Benefits During Leave-

- Employee is considered to be on **furlough** or **leave of absence** while serving. Employer must give absent employee “most favorable treatment” given to other employees on non-military leave of absence, including all “non-seniority” benefits (e.g. vacation).
- Exception: If employee provides written notice of intent not to return after service, not entitled to non-seniority rights and benefits (but **IS** still entitled to reemployment).
- No requirement to provide **pay** (Exception: statutes, policies, and practice).
- **Accrued leave:** Employee must be allowed, but cannot be forced to use or be paid for accrued vacation, but must only allow payment for accrued sick leave if allows same for others on leave of absence.
- **Health plan-**for employees and their dependents:
 - Must provide for either 24 months **OR** until employee applies for reemployment or fails to return, whichever is less.
 - Amount that can charge depends on service duration: Usual rate unless service is more than 31 days and then maximum of 102% (similar to COBRA).
 - Employee can delay election of coverage; even if coverage lapses must be reinstated with no waiting period or exclusions.
 - May adopt reasonable rules regarding how continuing coverage can be elected and cancellation upon non-payment; without reasonable rules, must reinstate retroactively upon return to work.
 - DOL regulations specifically state employer should counsel employees on their health plan options.
 - Military leave is qualifying event under COBRA, so notice should be given with regard to leave for service

Employer’s Obligations and Effect on Employee Benefits

Employees who take a military leave of absence also are entitled to:

- 1) Retain and accrue benefits based on the number of years including time spent in active military service such as longevity pay and vacation/sick leave;
- 2) Elect and pay for continued health care coverage during their absence as outlined below; and
- 3) Participate during the leave in benefits based on guidelines of North Carolina Local Government Retirement System.

Employees may continue health and dental coverage for themselves and/or their families with their civilian employer (Haywood County) while on military leave. If the employee chooses to cancel coverage through the County, covered spouse and/or eligible dependents have an independent

right to elect coverage under USERRA through COBRA at applicable rates for up to twenty-four (24) months. Health coverage is also available through the military to all active military personnel and their families, which begins immediately upon activation. A Haywood County employee on granted military leave may elect to receive insurance coverage as outlined below:

Option One:

The employee may elect to continue health and/or dental coverage through Haywood County. The County will continue to pay the employer portion of medical and dental premiums until their return from active military leave. The employee is obligated to pay the employee portion on a monthly basis; payments are due on the first of each month. There is a thirty (30) day grace period for payment of premiums. Failure to remit payment in a timely manner will result in termination of coverage. The coverage provided by the military will also be in effect as of the activation date (into military service) for the employee and dependents (unless coverage is declined for dependents).

Option Two

The employee may elect to cancel health and/or dental coverage through Haywood County as coverage is provided to all active military personnel and their families. Employees may re-enroll in the County's plans when he/she returns to active employment status. Employees and their dependents will be reinstated with health and dental benefits immediately with no pre-existing conditions or waiting periods (waiting periods and pre-existing conditions will apply if incurred as a result of military service).

Retirement Contributions by the Employer

Employees who return following a period of military service are entitled to any pension benefits that accrued prior to departure and any additional benefits that would have accrued with reasonable certainty during the employee's absence (i.e. retirement and 401-K employer portions). Employees cannot be treated as inactive participants and cannot be treated as having incurred a break in service as a result of their absence from employment.

For employees who are scheduled to be absent for military service ninety (90) or fewer days, the County will make "employer" contributions to 401-K upon his/her return to work.

For employees who are scheduled to be absent for military service ninety-one (91) or more days, the County will postpone making retroactive 401-K contributions until the person submits satisfactory documentation.

Presentation of the DD-214 (Report of Separation) identifying the veteran's condition of discharge will enable his/her months of military service to be counted toward their retirement by the Local Government Retirement Systems.

401-K Contributions by the Employee

Upon return to work, the employee may make contributions to the plan in the amount equal to the contributions that would have been made if the employee has been actively employed during the period of military service. The employee may make up missed contributions over three (3) times the period of time away (i.e. if an employee is out for twelve (12) months, he/she would have thirty-six (36) months to pay their missed employee contributions).

Flex Plan Contributions by the Employer

Contributions to the Haywood County Flexible Spending Cafeteria Plan may be continued during military leave, if a participating employee wishes to do so provided that the pay differential (see below) is adequate to allow such participation. Otherwise, military leave would meet the requirements of a qualifying event to allow the participant to cease contributions until return from military service.

Pay For Leave

An employee granted temporary military leave for active-duty training, inactive-duty training, or extended military leave is granted a military pay differential.

The pay differential is the amount, if any, by which the employee's normal base pay exceeds any pay received for such military training duty for the same period, including all military pay except subsistence allowance (including quarter's allowance) and travel allowance.

Upon return from military duty, employees shall submit to his/her supervisor a copy of their original duty orders and a certified statement of their military pay and allowances for the appropriate period. Any adjustments in pay will be reflected in a subsequent paycheck, after these documents are forwarded to the Finance Department and Payroll Manager.

Regular employees, not serving a Probationary Period that are members of the National Guard or Armed Forces Reserve will be allowed up to eighty (80) working hours per calendar year (January-December) for military training leave with pay for mandatory annual duty. Such military duty as is required beyond this period, the employee shall be allowed to take accumulated vacation leave or be placed in leave without pay status. In rare cases where two annual training sessions may be required in one fiscal year, the employee shall be allowed to take additional military leave, however, it shall be without pay (with the exception of pay differential, if any).

Reinstatement

Haywood County will reinstate the veteran to the position he or she would have held if employment had not been interrupted by military service.

In order to be eligible for reinstatement, the returning veteran must notify Haywood County that he/she intends to return to employment once military service is completed. The length of time that the veteran has to contact the employer regarding reemployment depends on the length of the service as follows:

Service of 1 to 30 days- The employee must report back to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the last calendar day of active military service. If due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.

Service of 31 to 180 days- A request for reinstatement must be submitted no later than 14 days after completion of any employee's service. If submission of a timely request is impossible or unreasonable through no fault of the employee the request must be submitted as soon as possible. If the 14th day falls on a day when offices are not open, the time extends to the next business day.

Service of 181 or more days- A request for reinstatement must be submitted no later than 90 days after completion of any employee's military service. If the 90th day falls on a day when the offices are not open, the time extends to the next business day.

Disability incurred or aggravated- The "reporting back to work" deadlines are extended for up to two years for employees who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service. The two year period will be extended by the minimum time required to accommodate a circumstance beyond an employee's control that would make reporting within the two year period impossible or unreasonable. The employee is required to notify the County within the time limits set forth above even if extensions are necessary.

Unexcused delay- An employee's reinstatement rights are not forfeited if the employee fails to report to work or to apply for reinstatement within the required time limits, but the employee will then be subject to the employer's rules governing unexcused absences.

Documentation upon Return

Haywood County has the right to request that an employee who is absent for a period of military service of 31 days or more provide documentation showing that:

- The employee's application for reinstatement is timely;
- The employee has not exceeded the five-year service limitation;
- The employee's separation from service was other than disqualifying under Section 4304.

Presentation of the DD-214 Report of Separation identifying the veteran's condition of discharge will be considered as proof upon return.

Protection Against Discharge Without Cause Upon Return

USERRA also protects returning veterans from discharge without cause for a period of time after reemployment. For example, if the returning veteran's military service lasted between 31 and 180 days, the veteran may not be terminated without cause for 180 days after the date of reemployment. If the veteran's service was more than 180 days, this protection applies for one year after reemployment. Employees with less than 31 days of service do not have protection against discharge without cause, but like other returning veterans, they are protected from discrimination based on military service or a continuing service obligation.

ARTICLE IV: RECRUITMENT AND SELECTION

Section 1.

Equal Employment Opportunity Policy

It is the policy of Haywood County that race, religion, color, national origin, sex, age, political affiliation nor disabling condition is to be considered in the:

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

Section 2.

Special Provisions Relative to Age

Equal employment opportunity as to age applies only to persons who are age 40 or over, State and Federal laws forbid employment discrimination on the basis of age for these persons. It is unlawful "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions or privileges of employment, because of such individual's age." It is the policy of Haywood County Government to follow all federal and state policies regarding Equal Employment Opportunity

Section 3.

Special Provisions Relative to Disabled Persons

Equal employment opportunity for disabled persons includes the making of a reasonable accommodation to the known physical limitations of a qualified disabled applicant or employee who would be able to perform the essential duties of the job if such accommodation(s) is made. This may include:

- Making facilities used by employees readily accessible to and usable by such person;
- Job restructuring (reassigning non-essential duties and/or using part-time or modified work schedules);
- Acquisition or modification of equipment or devices;
- Provision of readers or interpreters; and/or other similar actions.

Agencies are required to make such adjustments for the known limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment or alteration would impose an undue hardship on the operation of the Office/Agency/Department.

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

- The nature and cost of the accommodation needed;
- The type of the Office/Agency/Department's operation, including the composition and structure of its work force and;
- The overall size of the Office/Agency/Department or particular program involved, with respect to number of employees, number and type of facilities, and size of budget.

It is the policy of Haywood County Government to follow all federal and state policies regarding Equal Employment Opportunity

Section 4.

Special Provisions Relative to Communicable and Infectious Disease

Persons with communicable or infectious disease, including Acquired Immune Deficiency Syndrome (AIDS), are disabled if the disease results in an impairment which substantially limits one or more major life activities. All of the statutory provisions relative to disabled persons are applicable to persons with communicable and infectious diseases, including the requirement for a reasonable accommodation to the known limitations of an otherwise qualified applicant or employee. It is the policy of Haywood County Government to follow all federal and state policies regarding Equal Employment Opportunity

Exceptions Necessary to Prevent the Spread of Disease:

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

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

Section 5.

Bona Fide Occupational Qualifications (BFOQ)

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

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

A differentiation based on a physical examination may be recognized as reasonable in certain job situations which necessitate stringent physical requirements due to inherent occupational factors

such as the safety of the individual employee or of other persons in their charge, or in those occupations which by nature are particularly hazardous. Job classifications which require rapid reflexes or a high degree of speed, coordination, dexterity and endurance would fall in this category.

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

Section 6.

Appeal Procedure

Any applicant for employment or any employee who believes that employment, promotion, training, transfer, salary adjustment or a merit salary increase was denied him/her or that demotion, transfer, lay-off or termination was forced on him/her, because of race, religion, color, creed, national origin, sex, age, political affiliation, or disabling condition may appeal directly to the Human Resource Director and the County Manager. This appeal must be submitted in writing.

Section 7.

Recruitment-Responsibility of the Human Resource Director

The Human Resource Director is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts of the Human Resource Department and all County Agencies/Departments will be coordinated in a timely manner.

Section 8.

Position Vacancy Announcements

When deemed appropriate by the Office/Agency/ Department Director, vacancies for regular positions will be posted internally (applications accepted only from current Haywood County employees) for a period of five (5) working days. Upon determining that internal recruitment has been exhausted, outside applications will be accepted. Internal and external recruitment postings may occur simultaneously, at the discretion of the Office/Agency/Department Director. All outside recruitment announcements shall be posted for a minimum of seven (7) working days at the following locations:

- Haywood County Human Resource Office Job Board
- Local office of the NC Department of Commerce-Division of Workforce Solutions formerly the Employment Security Commission
- Haywood County government website at www.haywoodnc.net

Optional recruiting publicity shall be carried out through the media, as appropriate at the recruiting Office/Agency/Department's expense. Position announcements shall contain at a minimum the following:

- The title, grade and location of the position
- The closing date for acceptance of applications
- Minimum job requirements/qualifications
- A statement of equal employment opportunity

Prior to posting of any vacant positions within the county, these positions must be approved by the Haywood County Manager. The Human Resource Director will provide justification for the posting in conjunction with the Office/Agency/Department Director and will request approval to post the vacancy from the County Manager.

Section 9.

Application for Employment

The Director of Human Resources shall determine the appropriate Haywood County Government employment application, in either print or online format, or both. The application shall comply with all EEOC and Federal merit requirements of SCFR 900.603 (e).

No applications may be accepted by an agency or an office (with the exception of the Sheriff, Tax Collector, Register of Deeds, Director of Social Services and Health Director, who shall have the authority over appointments in their respective Office/Agency/Department, with the County Manager determining the pay of new employees above the hiring minimum). All referrals must be made through the Human Resource Department. All information provided on the application must be true and correct. Providing false information or incomplete applications may be grounds for elimination from consideration for a vacant position and/or dismissal from County employment. Resumes may be attached to the completed application but will not be accepted without the completed application.

Section 10.

Applicant Tracking

The Human Resource Department shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process and the pool of applicants considered for each vacancy. These applications are held only for six (6) months after the closing date of the vacancy.

The applicant pool data for each position shall include an alphabetized listing of all applicants, Social Security numbers 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.

Section 11.

Testing

Applicants for certain positions may be required to take various tests/assessments which measure ability, aptitude or skill. All tests/assessments given to applicants shall be administered and evaluated by qualified individuals. All tests/assessments administered will conform to all applicable legal regulations.

Section 12.

Interview Process

Selected applicants being considered by the appointing authority to be the most qualified/suitable for the vacant position will be interviewed by the appointing authority and/or designee. Applicants will be interviewed by committee (as appropriate) and may be required to undergo more than one such interview to include interview(s) by other staff and committees. All job offers are contingent

upon successful completion of a required background check and other required testing/assessments.

Section 13.

Qualification Standards

- A. All applicants considered for employment or promotion shall meet **at least the minimum qualification** standards established by the class specifications with relation to the position for which the appointment is being made.
- B. All appointments shall be made on the basis of merit.
- 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 employee is designated a trainee by the County Manager.
- D. 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 appointment, allowing the appointee an opportunity to gain the qualifications needed for the full class qualifications through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which the appointee was initially appointed. A "work-against" appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question.

Section 14.

Medical Examination

Applicants for certain types of positions, after being offered employment by Haywood County may be required to undergo a post-offer pre-hire medical examination and drug testing for the purpose of determining fitness for the position, with or without accommodation. Such examination shall be at the expense of the County and by a Health Care Provider selected by the County (pending funding availability). An individual who cannot pass the required testing shall not be eligible for continued employment and the job offer shall be withdrawn.

The County also reserves the right to require a current employee to undergo a medical examination for the purpose of determining Fitness for Duty, with or without accommodation. Any such examination shall be at the expense of the County and by a Health Care Provider selected by the County. An individual who cannot pass the required testing shall not be eligible for continued employment in that position.

Section 15.

Background Checks

The finalist for a position will be asked for information so that a full and complete disclosure of records pertaining to the applicant's education, previous employment and criminal records background check may be verified.

Confidentiality

All persons receiving background information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law.

**Section 16.
Identification**

Those persons applying for positions which require operation of a motor vehicle must present a valid North Carolina driver's license at the time of the employment. All new hires shall complete an I-9 form and present the required proof of identification during orientation before they are placed on the county payroll. Employees may present any of the forms of identification listed on the I-9 form. A photocopy of the proof of identification will be made and placed in the employee's personnel file.

**Section 17.
Appointments**

Before any applicant begins work, the Office/Agency/Department Director shall consult with the Human Resource Director to discuss the appointment. The Personnel Action Form (PAF), the original application for employment, test score sheets (if applicable) and any additional supporting documents shall be reviewed by the Human Resource Director.

If the duties of the position include operation of County-owned or County-insured vehicles, a review of the potential employee's driving record must be performed as part of the background check search. This information will become a part of the employee's official personnel file which is located in the Human Resource Department.

The Sheriff, Tax Collector and Register of Deeds shall have authority over appointments in their respective departments with the County Manager determining the class and the rate of pay for new employees.

When filling an existing position, the Office/Agency/Department Director is responsible for budget overview with regard to necessary line item transfers, budget amendments and exhausting all former employee leave balances and pay-outs prior to the start of the new hire.

The Haywood County Board of Commissioners must approve the appointment by the Sheriff, Tax Collector or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin **OR** of a person who has been convicted of a crime involving moral turpitude.

**Section 18.
New Employee Orientation Procedures**

New Employee Orientation is held each Monday afternoon starting promptly at 2:00 p.m. in the Human Resource Conference Room located on the 5th floor of the Historic Courthouse. In the event of a Monday holiday, orientation will be held the following Tuesday at 2:00 p.m. in the same location. Depending upon the size and composition of the group, the orientation process should last approximately 1 ½ to 2 hours.

In order for the Human Resources staff to ensure timely processing of all new employee paperwork, the following steps are essential and must occur **prior** to the employee beginning work for Haywood County:

1. The signed Personnel Action Form (PAF) must be completed in entirety and submitted to the Human Resource Director no later than noon on Thursday prior to orientation scheduled for the following Monday. These can be submitted via email

or by inter-office mail. These must be signed by the Department Director before submission to the Human Resource Director. This will allow for sufficient time to prepare for the number of participants and to allow preparation of new employee packets.

2. Employees must attend this orientation prior to being set up in the MUNIS and KRONOS systems for payroll purposes.
3. The new employees ***MUST*** bring with them to the orientation proper identification. For a list of acceptable documents, please contact the Human Resource Director. If proper identification is not provided within three (3) days from the date of employment, the employee ***cannot and will not be placed on the County payroll.***
4. The new employees will need to bring with them dates of birth and Social Security numbers for any beneficiaries they wish to designate on their various benefit forms. This is also a requirement.
5. During this orientation process, all new employees will be informed about the ID Badge, Key Card and Time Clock procedures and will be given a hard copy of the Haywood County Personnel Policy Manual along with instructions on how to access this Personnel Policy Manual on the Haywood County Government website. It is the responsibility of the new employee to familiarize themselves with all Haywood County policies.

Section 19.

Workforce Planning, Recruitment and Selection

Haywood County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, age, national origin, citizenship status, physical or mental disability, past present or future status in the uniformed services of the United States or any other characteristic protected under applicable federal, state or local law and protected characteristics.

This policy applies to all terms and conditions of employment including but not limited to recruitment, hiring, placement, promotion, demotion, termination, layoff, leave of absence, compensation, benefits and training.

In addition, Haywood County offers reasonable accommodations to qualified applicants and employees with disabilities in compliance with federal and state laws. Any applicant or employee who requires an accommodation for the application process or in order to perform the Essential Functions of the job should contact the Human Resource Director to request such an accommodation.

If any applicant/employee has questions regarding this policy or believe they have been treated in a manner inconsistent with this policy, they should immediately report his/her concerns to the respective Department Director and/or to the Human Resource Director. No applicant or employee will experience retaliation for making a good faith report of perceived violations of this policy.

ARTICLE V: EQUAL OPPORTUNITY PROGRAM AND PLAN

Section 1.

Purpose

The purpose of this policy is to ensure equal employment opportunity for all applicants and employees and to promote diversity at all occupational levels of Haywood County Government's workforce. The overall intent of this policy is to ensure that the administration and implementation of all personnel policies, practices and programs are fair and equitable.

Section 2.

Policy

Haywood County is committed to equal employment opportunity and recognizes that effective and efficient government requires the talents, skills and abilities of all available human resources. It is the official policy of Haywood County Government to provide all current employees and applicants for County employment with equal employment opportunities, without discrimination on the basis of:

- Race,
- Religion,
- National origin,
- Sex,
- Age, or
- Disability.

All personnel policies, practices and programs shall be administered and implemented in a non-discriminatory manner by all Offices/Agencies and Departments of Haywood County.

In furtherance of this policy, Haywood County Government and its various Offices/Agencies/Departments shall take positive measures toward ensuring that equal opportunity is incorporated into all personnel policies and practices by developing and implementing an equal opportunity plan and program.

This policy represents the commitment of Haywood County Government to guarantee equal employment opportunities for all employees and applicants; and to promote a diverse workforce. Furthermore, this policy and any related policies and program adopted by Haywood County shall be implemented in all Office/Agency/Departments.

Section 3.

Immigration Law Compliance

Haywood County is committed to employing only United States citizens and aliens 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, 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 Haywood County within the past three years or if their previous I-9 is no longer retained or valid. Employees may raise questions or complaints about immigration law issues without fear of reprisal. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resource Director.

Section 4.

Human Resource Department Responsibilities

The Human Resource Department shall develop and implement a Haywood County Government Plan to promote equal opportunity throughout County government. The plan shall include but not be limited to a policy statement and the following elements:

- Recruitment
- Disciplinary process
- Selection process
- Hiring
- Promotion
- Training
- Compensation and benefits
- Performance appraisals
- Reduction in force
- Harassment prevention
- Evaluation mechanism
- Reporting mechanism
- Transfer and/or separation
- Grievance procedures.

The Human Resource Department shall provide:

- Technical assistance: to include one on one or group consultation and an EEO Planning and Resources Guide to aid in the development and implementation of an effective plan and program;
- Training for and on the development and/or implementation of the EEO plan and program to Office/Agency/Department Directors on diversity and EEO issues, unlawful workplace harassment prevention, reasonable accommodations for the disabled, diversity issues and any other EEO issues as appropriate.
- Monitoring to assess each Office/Agency/Department's progress;
- Oversight to ensure that the EEO plan and program in each Office/Agency/Department complies with the minimum established measures in content and elements for an effective plan and program;
- Evaluation criteria to review, assess and report the status of each Office/Agency/Department's plan, policies and procedures, practices and programs, in order to determine if they are administered in a consistent and fair manner. Evaluation will include on-site component, and
- Support programs to enhance each Office/Agency/Department's efforts to attract, develop, promote and retain a diverse workforce and to meet program objectives.

The Haywood County Human Resource Department shall develop data systems and design tools to review data and analyze the degree of diversity within each occupational category. The information collected from the data systems, tools and analysis will be used to evaluate trends related to all aspects of employment in order to determine the impact of personnel policies and practices on EEO throughout the County Government and within each Office/Agency/Department.

Section 5.

Office/Agency/Department Responsibilities

The Office/Agency/Department Director shall:

- Be responsible for the implementation of this policy and any related policies or programs adopted by Haywood County Government;
- Assume responsibility for the operation and implementation of the equal opportunity plan and program;
- Take positive measures to ensure that equal opportunity is available in all areas of employment including: recruitment, selection, hiring, promotion, demotion, compensation (including salary adjustments, reallocations and performance increases), termination, reductions in force (layoffs), reemployment priorities, training, career development, transfer and other terms, conditions and privileges of employment;
- Take measures to ensure the work environment is consistent with the intent of this policy and supports equal opportunity;
- Communicate the Office/Agency/Department's commitment to EEO policies, plans and procedures to all employees, applicants and the general public;
- Provide necessary resources to ensure the successful implementation of the EEO program;
- Ensure the development and implementation of policies, procedures, and programs necessary to achieve a workforce in each occupational category that reflects the Haywood County working population; and
- Ensure the development and implementation of an equal opportunity plan and program.

Section 6.

Plan

The Haywood County Government Plan must comply with all requirements and include the following elements described below:

1. Haywood County Government's EEO policy statement which shall delineate the County's position on EEO;
2. The Office/Agency/Department's statement which shall:
 - a. Commit the Office/Agency/Department to equal employment opportunity;
 - b. Prohibit discrimination;
 - c. Provide equal employment opportunities to applicants and employees without regard to race, color, national origin, religion, sex, age or disability;
 - d. List applicable laws, regulations and guidelines pertaining to EEO compliance including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1968 as amended, Executive Order 11246 as amended, the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of

- 1990 and the Civil Rights Act of 1991, N.C. General Statutes Section 126-16 as amended and other state EEO and anti-discrimination laws or statutes;
- e. Provide a provision prohibiting retaliatory actions against employees who file a complaint or charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination;
 - f. Provide provisions to commit Office/Agency/Departments to non-discriminatory practices in recruitment, selection, hiring, promotion, compensation, performance appraisal, disciplinary and grievance procedures, separations, and reduction in force;
 - g. Describe provisions for providing reasonable accommodation for persons with disabilities;
 - h. Provide a provision for preventing harassment (based on race, color, national origin, religion, sex, age, or disability);
 - i. Provide provisions describing the accountability of the Office/Agency/ Department Director and Managers/Supervisors and others for EEO compliance;
 - j. Provide provisions for monitoring and evaluating the plan and program effectiveness.
3. Assignment of Responsibility and Accountability
- a. The Office/Agency/Department Director and Managers/Supervisors shall have the responsibilities and accountabilities for the following but will not be limited to:
 - Assisting in the development and implementation of the EEO plan and program;
 - Assisting in the establishment of program objectives;
 - Maintaining a diverse workforce for the department, division, work unit, or section;
 - Assisting the Human Resource Department in periodic evaluations to determine the effectiveness of the EEO program, and
 - Providing a work environment and management practices which support equal opportunity in all terms and conditions of employment.
 - b. The Human Resource Department's responsibilities shall include but will not be limited to :
 - Interpreting and applying Federal laws, state statutes, policy regulations and guidelines related to discrimination in employment and equal opportunity;
 - Reviewing hiring recommendations for compliance with EEO program objectives prior to the final Office/Agency/Department hiring decision;
 - Maintaining and analyzing workforce utilization data for development of the equal opportunity plan and program in conjunction with management;
 - Maintaining and analyzing data on employment practices to monitor and evaluate the effectiveness of the EEO program and make recommendations;
 - Advising management of the program's impact and effectiveness on workforce demographics at all occupational levels;

- Providing or coordinating EEO training for management and employees;
 - Providing confidential counseling or consultation for management and employees in matters involving EEO concerns or complaints alleging discrimination (formally, informally and within County Government guidelines);
 - Establishing and maintaining effective working relations with groups concerned with equal employment opportunity;
 - Coordinating special programs (internally or in cooperation with County Government) to achieve program objectives and to provide for management and employee input and assistance in program development and implementation; and
 - Presenting information on the EEO plan and program to management and employees on a regular basis.
- c. The Human Resource Department in conjunction with County Government responsibilities shall include but not be limited to:
- Serving as the communication link between managers and employees on aspects of the EEO plan and program;
 - Review and evaluation of the equal employment opportunity plan and program;
 - Review workforce representation data in each occupational category;
 - Survey the organizational climate, employee attitudes and evaluate the resultant data;
 - Meet with the Office/Agency/Department Director to discuss EEO programs, report on the employees' concerns and recommend changes or additions to the EEO policy, plan, or program;
 - Identify recruitment resource and other activities designed to strengthen the EEO program; and
 - Meet at least on a quarterly basis.
4. Dissemination Procedures are designed to ensure effective internal and external communication of the Office/Agency/Department's commitment to equal employment opportunity.
5. Workforce Analysis shall be used to examine the representation of each demographic group within each occupational category using one of the following three bases for comparison: (a) The Haywood County working population (ages 18-64) as established by the US Census. The statewide NC working population shall be used for the officials and administrators, management related and professional occupational categories and the geographical recruiting area working population shall be used for the other occupational categories; or (b) the two factor analysis as defined by the Office of Federal Contract Compliance Programs (OFCCP) regulations; or (c) the NC Occupational specific civilian labor force and the NC working population (18-64) compromise standard. The occupation specific labor force of each demographic group and the working population by each demographic group will be compared to the Office/Agency/Department workforce. An

average of the underutilization resulting from the comparisons of the two criteria shall be used to determine the workforce underutilization by occupational category for each demographic group. When calculating the underutilization resulting from the occupation specific working population comparison, the statewide working population and the statewide occupational specific category compromise numbers shall be used for analyzing the officials and administrators, management related and the professional occupational categories. When calculating the underutilization resulting from the occupation specific/working population comparison, the working population in the local geographical recruiting area and the occupational specific category compromise numbers in the local geographical recruiting area may be used for analyzing the other occupational categories.

Only one basis of criteria for comparison may be selected for use by an Office/Agency/Department Director. The analysis shall identify each occupational category in which groups are underutilized, as defined as having fewer employees in a demographic group in a particular occupational category than would be expected based on the selected basis or criteria for comparison. The analysis shall also assess the Office/Agency/Department's workforce needs and capability for addressing the identified underutilization.

6. Program Objectives shall establish specific strategies targeted at eliminating or reducing any underutilization identified in each occupational category;
7. Program Activities and Strategies shall be implemented to accomplish Program Objective. These strategies shall include, but are not limited to, the following:
 - Recruitment procedures to attract a diverse pool of applicants to all occupational categories;
 - Disciplinary process designed to provide equitable treatment for all employees in accordance with the County's discipline policy;
 - Selection procedures designed to ensure that all of the steps are nondiscriminatory and job related;
 - Hiring process designed to include consistent information for new hires regarding employment conditions (e.g. types of appointment, salary);
 - Promotion procedures designed to enhance employee development and advancement opportunities;
 - Compensation and benefits procedures designed to review benefits; monitor salaries; and analyze practices in order to determine trends; and to ensure that all employees receive compensation and benefits without discrimination;
 - Performance appraisal, a system to hold managers and supervisors accountable for the progress of the Office/Agency/Department's program; to establish, maintain, and apply employee performance standards that are free from bias;
 - Transfer and/or separation analysis designed to identify trends, patterns and measures that impact on underutilized groups; and
 - Grievances procedures to ensure fair and equitable review of complaints in accordance with Office/Agency/Department and County policies and procedures.
8. Evaluation Mechanism shall be designed to assess overall effectiveness of the equal employment opportunity program and to determine the achievement of

- Office/Agency/Department and County objectives as identified in the EEO plan and programs.
9. Report Mechanism designed to provide Office/Agency/Department management, on a regular basis throughout the year, with data of the various program activities, workforce trends, and progress towards achievement of program objectives.
 10. Prevention and Correction of Harassment Procedures shall be designed to create an environment that is fair to all employees without regards to race, sex, age, national origin, color, religion, or disability.
 11. Reduction-In-Force Procedures shall be designed to analyze layoff decision and to determine their actual or potential adverse impact on underutilized groups; and
 12. Procedures for Monitoring shall establish a data management system for maintaining and analyzing data on transactions regarding Office/Agency/Department trends in compensation, promotion, selection, recruitment, training, separations, performance appraisals, and all other terms and conditions of employment.

Section 7.

Age/Disability Limitations

The minimum age for regular employment with the County is 18 years of age, except for Law Enforcement Officers who must be 21 years of age.

Haywood County will not automatically require an employee to separate from County service because of having attained a certain age. However, early retirement or termination may be necessary if an employee is found physically or mentally unfit for the performance of his/her Essential Job Functions. Each situation will be handled on a case by case basis.

The appointing authority may require a physical examination at the County's expense for the purpose of determining Fitness for Duty in order for the employee to continue employment. The County will provide a job description and Fitness for Duty evaluation form to be presented to an independent medical evaluator. Based upon medical reports and performance evaluations, the appointing authority has the final decision as to whether to terminate the employee for lack of fitness for the job.

In all cases, a separation for disability will be supported by medical evidence as certified by a competent physician. Haywood County may require a physical and/or mental examination at its expense and by a physician of its choice. In order to separate an employee based on a physical or mental disability, the County must determine that the person cannot do his/her Essential Job Functions with or without reasonable accommodation. Before an employee is separated for disability, a reasonable effort shall also be made to locate alternative positions within the County's service for which the employee may be suited.

Section 8.

Reasonable Accommodation

Purpose

The purpose of this policy is to assist Office/Agency/Department Directors, current employees, and applicants for employment in requesting and processing reasonable accommodation requests.

The overall intent of this policy is to ensure that Haywood County fully complies with the Americans with Disabilities Act and maintains equal opportunity in employment for all qualified persons and disabilities. This policy also prohibits retaliation against employees.

Policy

It is the policy of Haywood County to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process.

Definitions

Coverage

This policy applies to all qualified applicants and employees with disabilities. If requested reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time, or are considered "probationary" or "non-career status", as well as temporary employees.

Disability- a physical or mental impairment that substantially limits one or more major life activities; having a record of such an impairment; or being regarded as having such an impairment.

Essential Functions- the fundamental duties of the position or the primary reason the position exists.

Qualified Individuals with Disabilities- a qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Reasonable Accommodation- a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy employment opportunities.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if requested and if it would not impose an "undue hardship" on the operation of the employer's business.

Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position; or
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

There are several modifications or adjustments that are not considered forms of reasonable accommodation. An employer does not have to eliminate an essential function from the position, nor is an employer required to lower quality or production standards to make an accommodation,

as long as those standards are applied uniformly to employees with or without a disability. An employer does not have to create a new position to accommodate an employee.

An employer is not obligated to provide personal use items needed in accomplishing daily activities both on and off the job (i.e. eyeglasses, hearing aids, prosthetic limbs, or a wheelchair). Furthermore, an employer is not required to provide employees without disabilities.

Undue Hardship-an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

Process to Request Reasonable Accommodations

Employees

1. The employee shall inform their Supervisor, Office/Agency/Department Director and the Human Resource Director of the need for an accommodation. Supervisors who have been notified of an accommodation need should contact the Department Director and Human Resource Director for assistance.
2. The Department Director and Human Resource Director may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained in accordance with appropriate confidentiality procedures.
3. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the employee:
 - a. Discuss the purpose and the essential functions of the particular job involved.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.
 - d. Select and implement the reasonable accommodation that is the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the employer is free to choose among reasonably effective accommodations and may choose the one that is less expensive or easier to provide.
4. The Office/Agency/Department Director and the Human Resource Director will work with the employee to obtain technical assistance, as needed.
5. The Office/Agency/Department Director will provide a written decision in conjunction with the Human Resource Director to the employee within a reasonable amount of time, not to exceed thirty (30) days from original employee request, unless a longer time is agreed upon by the employee and the employer.

Applicants

1. The job applicant shall inform the Supervisor, Office/Agency/Department Director or Human Resource Director of the need for an accommodation. Hiring officials who have been notified by an applicant of a need for accommodation should contact the Human Resource Director for assistance. The Human Resource Director will discuss the needed accommodation and possible alternatives with the applicant.

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2. The Human Resource Director will make a decision in conjunction with the Office/Agency/Department Director regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Appeals

Employees who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file a grievance in accordance with the Office/Agency/Department/County grievance procedure or an employee/applicant, may appeal directly to the County Manager by filing this request in writing no later than thirty (30) calendar days from receipt of the decision(s).

ARTICLE VI: PROBATIONARY/TRAINEE APPOINTMENT AND CAREER STATUS

Section 1.

Policy

Individuals receiving original appointments to regular or time-limited regular positions must serve a probationary or a trainee period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards.

Section 2.

Length of Probationary Period

The duration of a probationary appointment shall be not less than three (3) or more than twenty-four (24) months of either full-time or part-time employment from the actual date of employment. Credit toward a probationary period stops when the employee goes on extended leave with or without pay. Extended leave is defined as leave in excess of one-half the workdays and holidays in the month. The determination of the appropriate length will generally depend on the complexity of the position and the rate of progress of the employee.

Section 3.

Responsibility of the Supervisor during Probationary Period

The conditions of the probationary appointment shall be clearly conveyed to the applicant prior to the appointment. During the probationary period, the supervisor shall work closely with the employee in counseling and assisting the employee to achieve a satisfactory performance level. Progress of the employee shall be reviewed during discussions between the employee and the supervisor. Following the probationary period when the supervisor, in consultation with other appropriate administrators determines that the employee's performance indicates capability to become a satisfactory performer and merits retention in the position, the employee shall be given a regular status appointment (or time-limited regular appointment, whichever is applicable) to the class. If instead, the determination is that the employee's performance indicates that the employee is not suited for the position and cannot be expected to meet acceptable standards, or for other causes related to performance of duties or personal conduct detrimental to the agency, it is expected that the employee will be separated from that position.

Section 4.

Appointments Providing Probationary Period Credit

Satisfactory service during a probationary, temporary, trainee or pre-vocational student appointment may constitute part or all of the probationary period. Employment in an intermittent appointment may not be credited toward the probationary period.

Section 5.

Personnel Changes not subject to a Probationary Period

A probationary period shall not be required when an employee with a regular or time-limited regular appointment has any of the following changes:

- Promotion,
- Transfer,
- Demotion,

- Reinstatement after leave of absence, or
- Return of a policy-making confidential exempt employee to a non-policy making position.

Section 6.

Probationary Period May Be Required

An employee with reduction-in-force priority consideration may be required to serve a new probationary period if the conditions exist that are outlined in the Reduction in Force Employees Policy.

Section 7.

Trainee Appointment Provisions (also known as Work-Against)

Classifications often require knowledge or skills not available from the labor market or which cannot be learned in a short period of time. Basic skills and related knowledge are defined and applicants with potential to meet the full job requirements are employed and qualify through structured training over an extended period of time.

To complement this employment and training process, trainee appointments against classified positions and an accelerated salary progression are provided. The duration of the trainee appointment approximates the normal time for training. The salary progression rates are spread over the training period and provide competitive salary rates for trainees and for experienced qualified employees. The recruitment standards and salary progression together provide a uniform guide for equitable employment and compensation of trainees.

The duration of a trainee appointment is outlined in the class specification for the regular classification. When the classification does not list a trainee level, the Haywood County Manager in conjunction with the Human Resource Director may approve a progression based on training and/or experience needed. Trainee appointment duration is established at that time.

(Credit toward a trainee appointment period stops when the employee goes on Leave without Pay.)

Section 8.

Responsibility of Supervisor during Trainee Period

During the trainee period, the supervisor has a responsibility to work in assisting the employee to make satisfactory progress. Progress should be reviewed in discussions between the supervisor and employee at regular intervals. When the employee has fulfilled all the trainee requirements, the appointment shall be made a regular status employee. If instead, the determination is that the employee's performance indicates that the employee is not suited for the position and cannot be expected to meet acceptable standards, it is expected that the employee will be separated.

Section 9.

Regular or Time-Limited Regular Appointment

An employee must be given a regular appointment when:

- 1) The requirements of the probationary period have been satisfied; or
- 2) When the employee with a trainee appointment has satisfactorily completed all training and experience required for elimination of trainee status.

Section 10.

Career Status Employee Defined- This term applies to those County employees who are covered under the State Personnel Act. Those employees are employed with the Health and Social Services Department.

Career Status means a County employee who:

- Is in a regular status position appointment; and
- Has been continuously employed by Haywood County for the immediate twenty-four (24) preceding months.

Section 11.

Dismissal Prior to Achieving Career Status

Prior to achieving career status, an employee may be separated from service for reasons relating to performance of duties or for personal conduct detrimental to the Office/Agency/Department without right of appeal or hearing.

Except in cases of allegations of discrimination, a dismissal prior to achieving career status is not subject to the right of appeal to the Haywood County Manager.

Once the employee has achieved career status, the regular dismissal procedures shall apply.

Section 12.

Secondary Employment

The employment responsibilities to Haywood County are primary for any employee working full time; any other employment in which that person chooses to engage is secondary. An employee shall have approval from the Department Head before engaging in any secondary employment. The purpose of this approval procedure is to determine that the secondary employment does not have an adverse effect on their primary employment and does not create a conflict of interest.

Agency/Department Responsibility

Secondary employment shall not be permitted when it would:

- Create either directly or indirectly a conflict of interest with the primary employment; or
- Impair in any way the employee's ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee's position.

If the secondary employment has any impact or may create any possibility of conflict with County operations, the employment must be approved the Haywood County Manager in conjunction with the Human Resource Director.

The employee shall have approval of the Office/ Agency/Department Head or designee, before beginning secondary employment. Approval of secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on primary employment.

Each Office/Agency/Department shall establish its own specific criteria, not inconsistent with this policy, for approval of secondary employment based on work situation needs.

Each Office/Agency/Department shall request this in writing from the employee who is seeking secondary employment and a copy of the approved request will be forwarded to the Human Resource Director.

Employee Responsibility

It is the responsibility of the employee:

- To complete a written request for all secondary employment to the Office/Agency/Department Director; and
- To update the request annually, as well as to document changes as they occur.

Section 13.

Shared Employment within the County

It is County policy that employees may hold multiple paying positions within the County. This policy applies to both full-time and part-time employees.

If an individual currently holds, or is considering holding a paid position in more than one County Department, he or she should consult with his/her Office/Agency/Department Director and with the Human Resource Director to determine which Department will serve as the primary "home" department for payroll purposes.

Elections- Nothing contained within this Policy should be interpreted to prevent County employees from volunteering to assist with elections on a non-paid basis. All County employees will be permitted to use vacation or other accrued leave to volunteer their services during elections, but they should use proper scheduling procedures to alert his/her Office Agency/Department Director of the need for the time off from work.

Section 14.

Limitation on Employment of Relatives

As of the approval date of the revised Personnel Policy Manual, no two members of an immediate family shall be employed within the same division of the same department. No such employment will result in one member supervising the other or in one member occupying a position that has influence over the other's employment, promotion, pay administration, related management or personnel considerations.

For the purpose of this policy, Immediate Family is defined as: employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild and grandparent as well as the various combinations of half, step, in-law and adopted relationships that can be derived from the family members named herein.

The provisions of this section shall not be retroactive and no action will be taken concerning members of the same family employed in conflict with this policy before the adoption of this revised policy manual.

The Haywood County Board of County Commissioners shall approve the appointment by the Sheriff, Tax Collector or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin.

Section 15.

Transfer

If a vacancy occurs and an employee eligible for transfer wishes to be considered for the appointment, he/she will need to submit a written request and updated application to the Human Resource Director during the recruitment period for the vacant position. The request for transfer shall be subject to approval of the Haywood County Manager.

Any employee who has successfully completed their Probationary Period and is in good standing with their current Office/Agency/Department may be transferred to any other position without serving an additional Probationary Period. Probationary employees may also be considered for transfer provided that he/she has served at least 90 days of their Probationary Period and are in good standing within their current Office/Agency/Department. If selected, such Probationary Period transfers will serve the remainder of their probationary time within their new Office/Agency/Department. An evaluation will be completed by the Office/Agency/Department Director or designee at the end of the first twelve months. This transferred probationary employee may be a candidate for an extended Probationary Period if deemed appropriate.

An employee who wishes to accept a voluntary transfer to another position for less complex duties and reduced responsibilities with a lower classification/pay grade may request such a transfer providing that a vacancy exists for the position for which the request is being made. This voluntary demotion is not considered a disciplinary action and is made without using the procedures outlined in the Formal Disciplinary process.

Section 16.

Resignation

A minimum of two (2) weeks notice is expected of all personnel resigning from employment with Haywood County. The exception to this policy is for Department Directors who will be required to give a minimum notice of thirty (30) days. Where the position requires highly skilled individuals or those of a technical nature and/or where replacement may require extensive screening a notice of greater than two (2) weeks is desirable.

- All notices of resignation should be in writing.
- Resignations should be directed to the Office/Agency/Department Director or in the case of a Department Director should be directed to the Haywood County Manager or the appropriate appointing authority.
- Three (3) consecutive days of absence without contacting the immediate Supervisor or Office/Agency/Department Director is considered to be a voluntary resignation (barring proven medical documentation that would prevent such contact).
- An employee will forfeit his/her accumulated vacation leave pay if the required notice is not given and worked.
- "Physical" receipt of letter of resignation is deemed acceptance by the County provided that the Office/Agency/Department Director signs and dates to notate receipt of the letter. The original resignation letter must accompany a Personnel Action Form which is to be sent to the Human Resource Director for processing.

Section 17.

Promotion

Candidates for promotion shall be chosen on the basis of his/her qualifications and strong consideration shall be given to employees already in service with the County for the purpose of filling vacant positions whenever appropriate and possible in coordination with the Succession Planning Program. Such internal candidates must be in good standing with their current job assignment and be qualified by background and related work experience for the vacant position. If a current employee is chosen for promotion, the Office/Agency/Department Director shall forward the request to the County Manager with recommendations for classification and pay along with reasons for selecting the employee over other outside applicants. After considering the Office/Agency/Department Director's recommendation, the County Manager shall confirm or reject the promotion. Employees chosen for promotion prior to his/her anniversary date (and thus their annual performance evaluation) will receive a promotional increase (if appropriate) but will not be eligible for a merit increase until after they have been in the newly promoted position for a period six months. At the six month anniversary of the promotion, the employee will now be eligible for a performance evaluation and if appropriate can be eligible for a merit increase at that time. Thereafter, the employee's eligibility date for annual performance based merit will revert back to his/her original anniversary date.

Section 18.

Succession Planning Program

This policy defines the Succession Planning Program which ensures sufficient talent is available for Haywood County to achieve a competitive advantage, enhance performance and maximize the potential and productivity of its talent pool. This program will allow Haywood County to develop diverse leaders throughout the County by gaining a better understanding of management talent, addressing concerns with ongoing attrition, developing bench strength and effectively dealing with workforce issues and concerns.

This program will provide for continuity of leadership by identifying and developing future leaders of Haywood County and allow recruitment externally where it is deemed necessary. This program is designed to mitigate risks associated with leadership gaps.

Procedure

Each Office/Agency/Department Director shall be responsible for implementing a Succession Planning Team (SPT). Each SPT shall have responsibility for this program implementation. The SPT should consist of the Office/Agency/Department Director and his/her direct reports as appropriate. The Succession Planning Program will include the following steps:

Assess Management Talent

Each Succession Planning Team will inventory the current talent in the areas of leadership potential and performance through a skills inventory to identify the top, middle and bottom talent within their department. Haywood County's evaluation process should assist in identifying leadership competencies which will provide the foundation for the talent and skills inventory and assessment.

Identify Succession Planning Positions and Determine the Organizational/Departmental Bench Strength

Each Office/Agency/Department identifies positions for inclusion in its particular Succession Plan. Using the results of the talent, skills inventory and assessments (if applicable) the key managers will nominate employees for participation in the Succession Planning Program. Candidates should demonstrate high potential/ability to achieve success at a higher level and may be assigned a mentor (if available) to help guide their development. Candidates will be placed on Succession Planning matrixes based on their readiness using the following distinctions:

- Ready Now (RN)- Candidates who currently possess the necessary qualifications and credentials to assume the responsibilities of the Succession Planning position immediately;
- Ready Longer-term (RLT)- Candidates who currently lack the necessary qualifications or credentials for immediately assuming the responsibilities of the Succession Planning position, but possess the potential to obtain these requisites within two years;
- High Potential Candidates (HPC) - Candidates with high leadership potential who are more than two years from being Succession Planning candidates. (These candidates will participate in development activities to increase their readiness for future Succession Planning positions).

Prepare Individual Development Plans

All Succession Planning and High Potential Candidates (HPC) will work with the Succession Planning Team and/or an assigned mentor (when available) within the organization to prepare an individual development plan (IDP). The specific content of the IDP will vary depending on the specific needs of the candidate. The IDP should reflect the candidate's development needs which may include managerial, leadership, operational and/or other technical needs with an associated timeframe for completion.

Develop Workforce Action Plans

Each Office/Agency/Department will develop a Workforce Action Plan (WAP) to identify and address critical and strategic workforce issues for the organization. The WAP will include trends, gaps, successes, potential critical knowledge loss threats and other special initiatives (i.e. Fast Track Programs, Employee Development Programs, special recruiting efforts, etc.) to build bench strength. The WAP should also include a strategic assessment of leadership, depth, identification of rotational opportunities to further develop candidates and a description of allocated resources (compensation, training, etc.) to employees based on their actual or potential contribution to organization excellence.

At least on an annual basis, the Haywood County Manager in coordination with the Human Resource Director will convene a meeting of Office/Agency/Department Directors to discuss their specific efforts in talent management. The focus of these meetings will be to discuss topics such as development options for top talent, organization Succession Plans and other critical workforce issues. The strategic management of talent is a critical driver of performance and these meetings will be utilized to reinforce the responsibility and accountability of our senior management team for developing talent.

Roles

Office/Agency/Department Director

- Establish Succession Planning Teams
- Sponsor and own the process
- Provide resources required for program implementation
- Ensure talent management information is communicated to management, Succession Planning candidates and other employees as appropriate.

ARTICLE VII: HAYWOOD COUNTY GOVERNMENT POLICIES

Section 1.

Gifts and Favors

No official or employee of the County shall accept any gift, whether in the form of a service, a loan, a thing or a promise from any person, firm, or corporation that in the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County.

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.

No official or employee shall grant any improper favor, service, or thing of value in the discharge of duties. Gratuities shall be refused by all County officials and employees.

Procurement of Contractual Services

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

Section 2.

Limitation of Political Activity:

Statutory Authority

State law, G.S. 126, Article 5 provides:

As an individual, each employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee shall:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which compensation is received from the County;
- Otherwise use the authority of his/her position or utilize County funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in a partisan election involving candidates for office or party nominations, or affect the results thereof.

No County employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.

Employees in federally aided programs are also subject to the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501-1508.

Failure to comply with this Article is grounds for disciplinary action which, in case of deliberate or repeated violation, may include dismissal or removal from office.

Section 3.

Adverse Weather Condition Policy

Haywood County Offices/Agencies/Departments shall remain open for the full scheduled workday unless authorization for a delayed opening or early closing to the public is received from the County Manager. All Offices/Agencies/Departments will be given sufficient notice of authorized delayed openings or early closing to the public. Employees will be notified by email and may call the "Haywood County Weather Information Line" at 828-356-2777 for information concerning deviations in public opening/closing times due to adverse weather conditions.

The Facilities and Maintenance Department will make every effort to assure the safety of employees and the public with regard to adverse weather conditions. Employees are to be mindful of the weather conditions and be cognizant of the conditions including wearing proper footwear to prevent slips and falls. Employees who leave work before the end of his/her scheduled shift will be required to use earned compensatory time, personal or vacation time for hours taken if they wish to be compensated. Time off without pay must be taken if the employee has no accrued compensatory, personal or vacation time. Sick leave may not be used for adverse weather conditions.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as scheduled. Employees who do not feel they can make it to work due to adverse weather conditions must use compensatory, personal or vacation time for hours not worked. It is the responsibility of the employee to make the judgment about his/her personal safety concerning travel to and from work during adverse weather conditions. It is the employee's responsibility to notify his/her supervisor of any decision regarding a deviation from scheduled work hours. The County Manager has the authority to alter the regular business hours open to the public in the event of adverse weather conditions. The County Manager also has the ability to close County Offices/Agencies/Departments in the event that a State of Emergency is declared by the Governor of North Carolina. Employees must use compensatory, personal or vacation time if the decision is made to close county offices due to the declaration by the Governor.

Section 4.

Personal Appearance

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the business image that Haywood County presents to the community.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees should consult their Office/Agency/Department Director if they have questions as to what constitutes appropriate attire. Outside of those employees required to wear uniforms, this shall indicate a professional and modest appearance when on duty. Office/Agency/Department Directors and/or Supervisors are responsible for seeing that employees under their direct supervision present a professional appearance.

Section 5.

Haywood County Employees Anti-Fraternization Policy

Haywood County depends on positive employee morale and good team working relationships. The County recognizes that sometimes personal relationships can develop between people who work together. Unfortunately, sometimes attractions are not mutual, and these situations can develop into sexual harassment complaints. In addition, relationships between supervisor and subordinate often cause morale problems or misperceptions about assignments and favoritism on the part of other employees in the work group. For these reasons, the County has developed the following policy concerning personal relationships between employees.

An employee who is dating, or is romantically, sexually or otherwise overly personally involved with; or living with another employee will be prohibited from:

- 1) Supervising that employee or
- 2) Making or influencing decisions or recommendations for raises, promotions, discipline, assignments, transfers, salary administration, or related management or personnel considerations for that employee.

In addition, all employees who are managers/supervisors or above are prohibited from dating, engaging in a romantic or sexual relationships, or establishing a live-in relationship with employees within the departments for which they have responsibility, regardless of whether there is a direct supervisory relationship.

If such a relationship develops or exists, the employee(s) must contact the County Manager and hiring authority immediately. All information shall be maintained in accordance with the Personnel Privacy act.

Both parties will have the opportunity to provide input on who shall be reassigned, separated from employment, or removed from his/her position of authority. If the parties cannot reach an agreement voluntarily, the County Manager will decide based upon the best interest of the County.

No action shall be taken pursuant to this policy in violation of any local, state or federal laws against discrimination on the basis of any protected class.

Section 6.

Use of County Property

Use of property owned or leased by the County is intended for official County business only. Property including supplies, tools, materials, lawn/yard equipment and other equipment are not for personal use and should not be removed from County premises except in the conducting of official County business. Violations of this policy will result in disciplinary action and/or dismissal of employment with Haywood County.

Section 7.
Haywood County Vehicle Fleet Policy**Purpose**

The purpose of this policy is to establish consistent guidelines for the use of County owned or leased vehicles and qualifications for drivers of vehicles for Haywood County Government. This policy pertains to all Offices/Agencies/Departments operating County owned or leased vehicles and/or private vehicles for business purposes. It is the responsibility of the Office/Agency/Department Director or designee to review this policy with each employee prior to the employee operating a County owned or leased vehicle for business purposes. This policy does not supersede any applicable Federal, State or Local laws for the operation of vehicles.

Procedures**Driving for Official County Business**

County vehicles or equipment include any County owned or leased vehicles. County vehicles are to be used only for County business and operated by duly authorized officials or employees. Passengers outside the official County business purview are prohibited. County owned or leased vehicles shall only be used for work-related activities and shall not be used for personal activities. All duly authorized officials and employees that operate County owned or leased vehicles must possess a current valid North Carolina's driver's license and an acceptable driving record as stated in section VII of this policy.

Haywood County will comply with Federal and State law regulations governing taxable fringe benefits. The personal use of County owned or leased vehicles is taxable pursuant to Federal and State law. The value of such use will be included in employees' taxable wages for reporting and withholding purposes. The County relies upon the Internal Revenue Code to determine whether the use of County owned or leased vehicles will be considered a taxable fringe benefit for individual employees.

A. Permitted Uses

1. Non-Law Enforcement Vehicles-Only Haywood County employees or drivers authorized by the Office/Agency/Department Director may drive or operate County vehicles.
2. Law Enforcement vehicles are subject to North Carolina General Statute as defined in NCGS 17E-2(3)(a). These vehicles are ones that are clearly marked and equipped for use in transporting, apprehending or arresting persons charged with violations of the laws of the United States or the laws of the State of North Carolina and unmarked vehicles that have been registered with the Department of Motor Vehicles for confidential license plates.
3. County vehicles shall be used for official County business with reasonable consideration for de minimis use, such as meal breaks, while in the course of performing business on behalf of the County. The mileage traveled by an employee driving a County owned or leased vehicle from one work location to another, who stops for lunch, would be considered de minimis usage by the IRS. This rule only applies if the employee stops while on a direct route to their next work location site.
4. Each County vehicle shall display the official County seal. The only exceptions are vehicles assigned to the Sheriff's Department. Any other deviation from the

use of the County seal being displayed must be authorized by the County Manager.

Driver Rules/Requirements

It is the responsibility of the drivers who operate County vehicles and/or private vehicles for official County business to abide by the rules and requirements set forth by the County. Drivers must report any changes in their driving status (any citation received either in a County vehicle or personal vehicle) which reflects violations of these rules and requirements to his/her Office/Agency/Department Director or designated supervisor and the County Insurance Administrator in the Finance Department.

The driver's reporting of any citation or moving violation in his/her driving status is mandatory whether the violation occurs during County business in a County vehicle or personal vehicle, since it is a requirement of the County's insurer to update motor vehicle reports.

Should an employee who drives a County vehicle be involved in an incident, on or off the job, which results in their license being suspended or revoked, the employee is required to notify his/her supervisor or Office/Agency/Department Director within twenty-four (24) hours of the incident. The supervisor or the Office/Agency/Department Director will notify the Human Resource Director. The Human Resource Director will forward the information to the Safety Team-Accident Investigation Team for further review and action.

No employee will drive a County vehicle while awaiting the outcome of his/her court disposition if the matter concerns a violation which could result in a status change of driving privileges. Failure to report said violations will result in disciplinary action and immediate removal from the approved driver's list for a period of no less than six (6) months from the time of discovery.

Drivers must have a valid North Carolina Driver's License or must secure one within thirty (30) days when relocating to the State of North Carolina. Driver classification should be determined by the Office/Agency/Department Director regarding the type of vehicles each employee is authorized to operate (car, ambulance, tractor trailer, etc.).

- A. Driver qualifications are as follows:
 - a. Duly authorized employee of the County
 - b. Must be at least twenty-one years of age
 - c. Must meet licensing requirements
 - d. Will not qualify for the operation of a County vehicle if, during the last 36 months, the driver had any of the following:
 - i. Been convicted of a felony
 - ii. Been convicted of sale, handling or use of illegal drugs
 - iii. Has automobile insurance canceled, declined or not renewed
 - iv. Had driver's license suspended or revoked
 - v. Been convicted of three or more moving violations
 - vi. Been involved in two or more chargeable motor vehicle accidents
 - vii. Has more than three points on their driver's license

- B. Certain duly authorized officials and employees may drive their own personal vehicles while conducting County business, as approved by the County Manager. In addition to the requirements listed above, these employees must also maintain personal automobile liability insurance as defined in this policy.
- C. The County Insurance Administrator will perform annual motor vehicle record checks on all employees who drive for official County business. In the event that the license status or driving record of any employee, whose essential job function requires them to drive, becomes unacceptable to the Office/Agency/Department Director and/or Human Resource Director that employee may be restricted from driving, re-assigned, suspended, or have other disciplinary action taken against them.
- D. A Commercial Driver's License (CDL) is required for those who drive the following types of vehicles that are designed or used to transport passengers or property:
 - a. Class A-Required to operate a vehicle that has a combined gross vehicle weight rating (GVWR) of at least 26,001 lbs. and includes as part of the combination a towed unit that has a GVWR of less than 10,001 lbs.
 - b. Class C-A single or combination of motor vehicles not included in Class A or B but meets any of the following descriptions:
 - i. Is designed to transport 16 or more passengers, including the driver
 - ii. Is transporting hazardous materials and is required to be placarded.
 - c. You do not need a CDL to drive recreational vehicles, military equipment, fire and/or emergency equipment or certain farm vehicles. However, a current license of the appropriate class is always required to be in the possession of the individual driver.
 - d. A special CDL endorsement is required to haul hazardous materials, transport passengers, pull double trailer, drive tank vehicles or drive school buses or school activity buses. Additional information about the CDL may be found in the North Carolina Commercial Driver License Handbook.
- E. Duly authorized officials or employees are responsible for any vehicle or equipment assigned to them. All Offices/Agencies/Departments will be provided a vehicle inspection report and repair request form by Fleet Management. Duly authorized officials or employees driving County vehicles are required to obey all traffic laws including obeying the speed limit. Public Safety personnel will abide by the Office/Agency/ Department policies addressing emergency driving operations.
- F. Duly authorized officials or employees and passengers are required to wear available personal restraints (seatbelt) in vehicles.
- G. County vehicles are not to be driven while under the influence of alcohol or any controlled substance without the approval of a physician for prescribed medications. It is the employee's responsibility to notify the Office/Agency/Department Director if they are prescribed controlled substances that may impact their ability to operate a vehicle while on duty.
- H. Possession and/or transportation of alcohol or illegal drugs by anyone in the vehicle is not allowed by any employee other than law enforcement.
- I. Smoking in County vehicles is prohibited.
- J. Cell phones are to be used only when the vehicles are in the parked position and off the roadway. This does not apply to emergency personnel conducting necessary official

- communications. Personal cell phone use while operating a county vehicle is prohibited unless the vehicle is parked.
- K. Using a County vehicle for the purpose of towing personal trailer, boats or any type of recreational vehicles is prohibited without exception.
- L. Duly authorized officials or employees who drive a County vehicle are to assure that routine maintenance of the vehicle is performed as established by the Office/Agency/Department Director in coordination with Fleet Management.
- M. Haywood County will not pay for traffic citations or parking citations issued to employees while driving County vehicles, nor will the County pay if the employee is authorized to use their personal vehicle on county business. Employees convicted of moving traffic violations may be subject to disciplinary action.
- N. Duly authorized officials or employees receiving a travel allowance or mileage reimbursement while using a personal vehicle for County business assume liability for bodily injuries or property damage arising out of an accident occurring in connection with the operation of his/her personal vehicle. Such employees are required to have a minimum liability limit of \$100,000 per person/\$300,000 per accident/\$50,000 property damage and must provide the County Insurance Administrator with a copy of the certificate of insurance.
- O. County officials and employees authorized to use their personal vehicle for County business are reimbursed for mileage at the rate established by the Internal Revenue Service.
- P. Vehicle Assignment:
- a. County vehicles are normally assigned to a duly authorized officials or employee at the start of their work period. It is the assigned employee's responsibility to operate, maintain possession and to report any anomalies through the completion of their assigned work period.
 - b. A County vehicle may be assigned to a duly authorized official or employee who regularly requires the vehicle in the performance of his/her assigned duties and requires the availability of the vehicle during off time for on-call or emergency response for public safety officials and staff. The assignment may be regular and on-going for a specified period of time such as weekly on-call duty.
 - c. During a vacation or schedule time away from work, the employee who is assigned the vehicle must turn the vehicle in to their Office/Agency/Department Director to allow use as determined by the Office/Agency/Department Director or supervisor.

Personal use of County Vehicles

No duly authorized official or employee may use the vehicle assigned to him/her for personal business. County vehicles are not allowed to be driven to an employee's residence unless the employee is subject to frequent and/or emergency duty after normal working hours or in specific situations authorized by the Office/Agency/Department Director and the County Manager. Only the following job classifications are authorized to drive County vehicles to their residence:

- Law Enforcement officers at the discretion of the Sheriff
- Fire Marshall, Deputy Fire Marshall or on-call designee
- Emergency Management Director or on-call designee
- Emergency Medical Services Director or on-call designee

- Facilities and Maintenance Director or on-call designee
- Animal Control Director or on-call designee

Accident Procedure

The following procedures must be followed in the event of an accident while in a County vehicle:

1. Contact 911.
2. Immediate notification of the proper law enforcement agency for accident investigation and report as determined by 911 Tele-Communicator.
3. Immediate notification of the employee's Supervisor or Office/Agency/Department Director,
4. Notification of the County Insurance Administrator or Finance Director within 24 hours of the accident.
5. Prepare a County vehicle accident report or utilize the Department specific accident report form, which is to be submitted to the County Insurance Administrator or Finance Director within 24 hours of the accident.
6. If necessary, any injury report must be completed and submitted to the Human Resource Director and/or County Insurance Administrator as soon as possible in order to file a worker's compensation claim within 24 hours of the accident.
7. Securing accident repair estimates and approval of repairs is the responsibility of the Office/Agency/Department Director.

Post- Accident Procedure

1. Post- accident testing will required after a vehicular collision, which results in vehicle damage or bodily injury while the vehicle is operated by a County official/employee and is in motion. Testing will include both breath alcohol and urine drug testing of the employee(s). Post accident testing will be completed as soon as possible and within two (2) hours of the accident occurrence at the designated medical facility or hospital emergency department as determined by the Human Resource Director.
2. Employees issued a traffic citation while operating a County vehicle will be responsible for payment of the fine in accordance with applicable law and report said violation to their Supervisor or Office/Agency/Department Director.
3. Employees who in preceding and current three year period are involved in a preventable accident will be subject to the following guidelines at the discretion of the Office/Agency/Department Director:
 - a. First preventable accident-Employee will receive a letter of reprimand to be placed in the employee's personnel file.
 - b. Second preventable accident-Employee will receive three (3) working days of suspension without pay as an investigatory suspension.
 - c. Third preventable accident-Employee will receive a three (3) day suspension without pay and possible re-assignment to a non-driving position, suspension or termination at the discretion of the County Manager.

Preventable Accidents

A preventable accident is defined as any accident involving a County vehicle while conducting official County business that results in property damage and/or personal injury, in which the driver in question failed to exercise every reasonable precaution to prevent the accident.

Classifications of preventable accidents are as follows:

- Following too close
- Driving too fast for conditions
- Failure to observe clearances
- Failure to obey regulatory signs
- Failure to observe signals from other drivers
- Failure to reduce speed
- Improper parking
- Improper passing
- Failure to yield
- Improper backing
- Failure to obey traffic signals or directions
- Exceeding the posted speed limit
- Driving while impaired (DWI) or other drug charges

Citations/Violations

The driver will be subject to the following disciplinary procedure for any vehicular incident caused by the driver at the discretion of the Office/Agency/Department Director:

Driver's License Points

- 3 points in a 36 month period-Verbal warning
- 6 points in a 36 month period-Written warning
- 9 points in a 36 month period-Removed from Driving

Loss of Driving Privileges (Other than Points) at the discretion of the Office/Agency/Department Director:

- DWI/Substance Abuse-removed from driving
- Two preventable accidents within a one year period-removed from driving
- Failure to report significant change in mental/physical health, which could impair driving or failure to report points on a driver's license in either a County or personal vehicle-removed from driving
- Failure of drug testing-removed from driving
- Failure to report an accident-removed from driving
- Passing a stopped school bus-removed from driving
- Involvement in an accident in which the driver was at fault and someone was injured-removed from driving
- Any other incident which may be deemed sufficient enough to warrant removal from driving at the discretion of the Office/Agency/Department Director with the Human Resource Director.
- A duly authorized official and employee's driving privileges will be suspended pending court resolution of any charges in which said driver operated a County or personal vehicle more than 15 mph over the posted speed limit, careless and/or reckless driving, or speeding and reckless driving on the same occasion.

The Haywood County Safety Committee will evaluate all accidents/events in which a driver could be removed from driving privileges.

FEDERAL DRIVER'S PRIVACY PROTECTION ACT
ENACTED BY CONGRESS
AUGUST 24TH, 1994

Chapter 123, Section 2721 requires that personal information Division of Motor Vehicles' records be closed to the public. This refers to photos, social security numbers, driver's license numbers, names, addresses, telephone numbers and medical information.

General Purpose: Division of motor vehicles and any officer, employee or contractor, therefore, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the division in connection with a motor vehicle record.

Permissible Uses: Personal information SHALL be disclosed for use in connection with matters of

- A. Motor vehicle or driver safety and theft
- B. Motor vehicle emissions
- C. Motor vehicle product alterations, recalls or advisories
- D. Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers
- E. Removal of non-owner records from the original owners if motor vehicle manufacturers to carry out purpose of the Automobile Information Act, the Motor Vehicle Information and Cost Saving Act, the national Traffic and Motor Safety Act of 1966, the Anti-Car Theft Act of 1992 and the Clean Air Act.

Exceptions:

Personal information MAY be released for the following reasons: (List qualifying number on reverse)

1. For use by any government agency, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
2. For use in matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research and removal of non-owner records from the original owner records of motor vehicle manufacturers
3. For use in the normal course of business by a legitimate business, but only:
 - a. To verify accuracy of personal information
 - b. To obtain correct information but only for purposes of:
 - i. Preventing fraud by the individual
 - ii. Pursuing legal remedies against the individual
 - iii. Recovering on a debt or security interest against the individual
4. For use in connection with any civil, criminal, administrative, or arbitrate proceeding in any Federal, State or local court or agency (includes the execution or enforcement of judgments and orders or court orders)
5. For use in research activities and statistical reports
 - a. Personal Information must not be:
 - i. Published
 - ii. Redisclosed
 - iii. Used to contact individuals
6. For use by insurance companies in connection with claims investigation, antifraud activities, rating or underwriting
7. For use in providing notice to owners of towed or impounded vehicles
8. For use by private investigators or licensed security service State license number: _____
9. For use by employer to verify information regarding CDL
10. For use in connection with private toll facilities
11. For any other use if person has opportunity to refuse disclosure on DMC forms (Prohibited by NC G.S. 20-43.1)
12. For bulk surveys, marketing or solicitations (Disclosure must be in accordance with NC G.S. 20-43.1)
13. For use by any requester that has obtained written consent of the individual to whom the information pertains.
14. For any use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

Section 8.

Travel Expense and Reimbursement

Vehicles owned by the County will be provided for certain personnel for the purpose of conducting Haywood County business. County vehicles are not to be used for personal purposes.

Travel on official County business outside Haywood County must be authorized by the Office/Agency/Department Director. Out of state travel must be approved by the County Manager. A written request for travel must describe the travel requested, the purpose of the proposed trip and the period of time away from the County.

County employees and officials traveling away from the County on official business, including but not limited to, travel for training necessary to maintain credentials, licensure or vital job-related knowledge will be paid or reimbursed by the County for mileage, lodging, meals and other expenses as established by the Board of County Commissioners as follows:

Travel reimbursements and per diem requests- Should be submitted on the Statement of Travel Expenses form. Travel advances for hotel accommodations should be submitted on a Check Request form. These forms are available on the Haywood County Government website at www.haywoodnc.net in the Employee Access section under the Finance tab. These forms are updated annually.

The employee is responsible for completing the form accurately and with sufficient information including attaching the appropriate paperwork so that a third party reviewing the form can be confident reimbursement is justified. An agenda or other supporting documentation for the workshop, conference or seminar must be provided with each request submitted. The Finance Department has the responsibility to monitor all requests for travel advances and reimbursements. A discrepancy must be reconciled with the appropriate Office/Agency/Department Director or their designee.

Transportation Expense- A County vehicle will be provided for travel when a vehicle is available. An employee's personal vehicle may be used when a County vehicle is not available. The employee will be reimbursed for mileage at the federal standard mileage rate. A record of mileage driven must be maintained on the Statement of Travel Expenses with sufficient information so that payment can be made and a third party reviewing the form can be confident the reimbursement is justified. As a last resort, employees may rent a vehicle to use for travel. Haywood County has an account with a local leasing company and will issue a check written directly to them.

When necessary, air travel will be reimbursed. Written pre-approval from the County Manager is required for all air travel. The employee is responsible for obtaining the lowest reasonable fares and must fly coach.

Accommodations- Charges for overnight accommodations should be paid directly to the hotel. The employee is responsible for finding adequate and reasonable non-luxury accommodations. A confirmation with rates and confirmation number should be submitted on a Check Request Form along with an agenda or other supporting documentation for the workshop, conference or seminar.

The paid in full receipt should be submitted to the Finance Department upon the employee's return to work.

Meals and Incidentals- Charges for meals will be advanced or reimbursed based on standard federal per diem rates that the County allocates on a per meal basis.

Meals provided by the workshop, conference or seminar must be excluded from the per diem request. The County Manager may in unusual circumstances approve meals to be reimbursed at a rate higher than the current standard per diem rates. Tips and snacks are considered incidentals and are included in the per diem rates.

Day Travel- One day or partial day travel outside of Haywood County boundaries can be reimbursed if travel is business related and outside of normal daily duties. Transportation will be reimbursed as discussed above. Meals may be reimbursed if being away is the result of attending a formal workshop, conference or seminar and the meal is not provided by that entity.

Registration Fees- Haywood County will reimburse for conference, convention or training registration fees but does prefer to pay the registration fees whenever possible directly to the vendor. A paid receipt must be provided for reimbursement. An agenda or other supporting documentation must be included as backup whether requesting an advance or requesting reimbursement.

Other Travel Expenses- Reimbursements can be provided for other travel expenses with a paid receipt. Examples of other travel expenses include the following:

- Parking fees
- Taxi fares
- Toll fares

Non-reimbursable expenses- Examples of non-reimbursable expenses include but are not limited to the following:

- Alcoholic Beverages
- In-Room Movies

Other Travel-Traveling with a non-County employee or family member is permitted. Haywood County will not reimburse for expenses incurred by the secondary party. The County will reimburse for meals and accommodations for the employee only. The employee is responsible for any additional costs associated with the secondary party.

Section 9.

Drug Free Workplace Policy

Drug abuse and use at 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 may impair the well being of all County employees, the public at large and result in damage to County property. Therefore, it is the policy of Haywood County that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in

the County's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination.

The purpose of this policy is to maintain a drug and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs, the improper use of prescription drugs and the use of alcohol.

Employees with substance-abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program (EAP). However, employees who fail drug or alcohol tests may be disciplined up to and including termination. Participation in a counseling, treatment or rehabilitation program for drug and/or alcohol use/abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug or alcohol abuser/user by means such as tests and before the employee becomes suspected under circumstances satisfactory to the County of being a drug/alcohol abuser/user.

The specifics of this policy are as follows:

1. Haywood 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.
2. The term "controlled substance" means any drug listed in 21 U.S. C. 812 and other federal regulations. Generally, these are drugs which 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 by a licensed physician.
3. 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. A conviction means 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.
4. The County Manager 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.
5. If any 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 drug abuse program sponsored by an approved private or governmental institution.
6. 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 Objectives

- A. To provide Haywood County Employees with a safe, drug -free workplace and to promote high standards of employee health.

- B. To carry out the County's basic responsibility to serve the public safely and without undue interruption.
- C. To establish a drug-free awareness program for county employees.
- D. To comply with the federal Drug Free Workplace Act of 1988.

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 obligations and responsibilities of county employees in maintaining a drug-free workplace.

Provisions

Federal Drug-Free Workplace Act of 1988 Provisions*

- 1. 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.
- 2. Any employee convicted under any criminal drug statute for a violation occurring in the workplace must notify county officials no later than five (5) working days after such a conviction.
- 3. 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:
 - (a). Discipline, up to and including discharge, and/or
 - (b). Require satisfactory participation in a drug abuse assistance or rehabilitation program.

The County shall take appropriate 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.

- 4. 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 A.2 of this policy from an employee or otherwise receiving actual notice of a such a conviction. The County need report only convictions of employees who are directly engaged in the performance of a grant or contract.
- 5. To further educate its employees, the County's ongoing drug-free awareness program will inform employees about:
 - (a). The dangers of drug abuse in the workplace;
 - (b). The County's policy of maintaining a drug-free workplace;
 - (c). The availability of drug counseling, rehabilitation, and employer assistance programs;
 - (d). The penalties that may be imposed on employees for drug abuse violations.
- 6. 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.

B. Additional Provisions

1. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance by county employees, while on duty or off-duty is prohibited.
2. The unlawful manufacture dispensation, possession or use of illegal drug paraphernalia, while on duty or off duty is prohibited.
3. 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.
4. 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.
5. 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 .02. With the 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 1308.15 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.

6. 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.
7. Employees must satisfactorily participate in any drug or alcohol treatment or counseling program required by the county pursuant to the provisions of this policy.
8. The County shall take the following actions for any violation of these provisions:
 - (a) Discipline, up to and including discharge, and/or
 - (b) Requiring satisfactory participation in a drug abuse assistance or rehabilitation program.

C. Training

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 which will inform employees about:

- (a.) The dangers of drug abuse in the workplace;
- (b.) The County's policy of maintaining a drug-free workplace'
- (c.) The availability of drug counseling, rehabilitation and employee assistance programs; and

- (d.) The penalties that may be imposed on employees for drug abuse violations.

Department of Transportation: As required by the Department of Transportation regulations, all drivers, supervisors and county officials shall receive at least sixty (60) minutes of training on:

- (a.) The effects and consequences of controlled substance use on personal health, safety, and the work environment; and
- (b.) The manifestations and behavioral changes that may indicate control substance use or abuse.

Responsibilities

- A. Employees: All county employees are responsible for abiding by this policy, as a condition of their employment.

- B. Management Officials and Supervisors:
 - 1. All Office/Agency/Department Directors are responsible for being alert to possible violations of this policy by employees under their supervision.
 - 2. Any possible violation of this policy should be reported to the County Manager.
 - 3. The County Manager or designee will oversee the overall application of this policy.
 - 4. The County Manager or designee will notify federal agencies which contract with or grant to the county within ten (10) days after receiving notice of any employee's conviction under any criminal drug statute for a violation occurring in the workplace.

Testing

All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Haywood County will take all necessary steps to safeguard the dignity and self-esteem of those being tested and will ensure adherence to all procedures pertaining to the implementation of this policy. Haywood County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive this information.

Drug and Alcohol Tests Required by U.S. Department of Transportation

This section covers all employees who must hold a commercial driver's license as a job requirement and all other employees who perform other safety-sensitive functions as defined by the U.S. Department of Transportation (DOT) regulations.

Pre-Placement-Before a covered employee initially performs safety-sensitive functions for Haywood County; he/she must undergo testing for drugs. Covered applicants for employment or current covered employees transferring into a position that requires testing must pass a pre-placement test.

Post- Accident- Post- accident testing must be conducted on any driver or any safety-sensitive employee including those not in the vehicle (e.g. Maintenance personnel), whose performance could have been contributed to an accident or moving vehicle accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident

will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation and an individual suffers a bodily injury and immediately receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed.

Reasonable Suspicion- A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has used alcohol as defined in this Policy. The employer is responsible to transport the employee in question to the facility for testing.

Random Testing- Employees designated as safety sensitive as defined by the DOT guidelines will be tested on an unannounced basis throughout the year.

Return to Duty- An employee who has a positive breath alcohol test of 0.02 or greater will not be allowed to return to duty in the performance of a safety-sensitive function until he/she has been evaluated by a substance abuse professional and until he/she tests negative-less than 0.02-on a return-to-duty alcohol test.

Follow up- Once allowed to return- to- duty, an employee who has been determined by the evaluating substance abuse professional to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months following return to duty as prescribed by the evaluating substance abuse professional.

Drug and Alcohol Abuse and Testing Policy for All County Employees

- A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- C. Employees who are terminated as a result of a violation of this Policy shall be referred to the Employee Assistance Program (EAP) for evaluation and further counseling or treatment by a substance abuse professional.
- D. An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred-eighty day performance probation and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return-to-work provisions as outlined in this Policy. Refusal to comply with the rehabilitation program prescribed by the substance abuse professional will result in termination. However, before proceeding with disciplinary action, the employee's Office/Agency/Department Director must assure that the facts of the case are reviewed by the Human Resource Director. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.

- E. No employee shall use alcohol within (12) twelve hours before going on duty and/or operating or having physical control of County owned equipment, commercial motor vehicle or transit service vehicle.
- F. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. An employee who reports to work and whose breath alcohol test result indicates a 0.02 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.
- G. When there is reasonable suspicion that an employee on duty has alcohol or drugs in his/her system, the employee will be tested. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee may be terminated. If the employee tests positive and the Office/Agency/Department Director concludes that alcohol or drug consumption did not occur while on the job, the employee shall receive appropriate discipline up to and including termination as outlined in this policy.
- H. A reasonable suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion following the accident. If the test is not administered within two hours, the Office/Agency/Department Director must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or following the accident, the Office/Agency/Department Director shall cease attempts to administer the test and must document reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame, the following should occur:
- No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or
 - Twenty-four hours have elapsed following the determination of reasonable suspicion
 - No employee may refuse to submit to an alcohol test as required by the regulations
 - A written record shall be made of the observations leading to a reasonable-suspicion drug or alcohol test and signed by the Office/Agency/Department Director or designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled substances test are released whichever is earlier
 - A post-accident drug/toxicology screen shall be administered within thirty-two hours following any county employee involvement in an on-the-job moving vehicle accident.
 - If the drug test is not administered within thirty-two hours, the Office/Agency/Department Director shall cease attempts to administer a drug test and must document the reason(s) for not administering the test.
 - No employee may refuse to submit to a drug test required by these regulations. No employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed whichever comes first.

- An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater that is not terminated shall not perform or continue to perform his/her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test.
- The employee shall be removed from duty without pay for this twenty-four hour (24) period and shall receive a notation in his/her performance appraisal about the requirement of reporting to work without the presence of alcohol in his/her system.
- Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Selected employees will be transported to the designated testing location. Random testing for drugs and alcohol shall be conducted at the rate mandated by DOT and/or County policy.
- A drug and alcohol test will be included as part of the promotion/transfer selection process for employees determined to be final candidates for all positions, particularly for those requiring a commercial driver's license for positions requiring a physical examination and for positions that are safety sensitive.
- An employee who tests positive for alcohol must submit to a return-to-duty breath alcohol test before resuming the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02. A return-to-duty alcohol test result of 0.02 or greater that does not result in termination will result in a five-day suspension without pay. A return-to-duty alcohol test of 0.02 or greater will be considered as the second positive alcohol test within a five year period and will result in termination of employment.
- An employee who refuses to submit to or fails to follow through with a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's Office/Agency/Department Director must assure that the facts of the case are reviewed by the Human Resource Director.
- If an employee alleges that because of medical reasons, he/she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, a urine test shall be performed (or vice versa). If the employee is unable to provide either sample, the Human Resource Director and the Office/Agency/Department Director shall be notified that the employee has refused to be tested. The employee will then be directed to obtain as soon as practicable after the attempted provision, an evaluation from a licensed physician acceptable to Haywood County to address the employee's medical ability to provide the adequate amount of breath or urine. If there is not a medical reason acceptable to management for the employee's inability to provide the required sample, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.

- An employee who does not pass the drug or alcohol test and is terminated may not be considered for re-employment for a two year period following the date of the test and then will be considered only when (a) he/she provides documented proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he/she passes a pre-placement drug and/or alcohol test.
- Employees are responsible for a thorough understanding of the effects and potential side effect of any prescription drug, over the counter drugs, or other substance that might impair his/her ability to satisfactorily perform duties if they have used or intend to use such drug(s) prior to beginning work or while on duty.
- The medical review officer provided by Haywood County's designated provider will review the findings of a drug test with the employee to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.
- Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work.
- Those employees covered by North Carolina or Federal Department of Transportation (DOT) guidelines must submit to a minimum of six follow up tests within the first twelve months following rehabilitation. A follow up breath alcohol test result of greater than 0.02 will result in termination. A follow up breath alcohol test result of 0.02 will result in a five day suspension without pay. A second such occurrence of a follow up breath alcohol test result of 0.02 within the prescribed sixty (60) month period will result in termination of employment.
- If an employee is convicted of a violation or a criminal drug statute, the employee must notify his/her Office/Agency/Department Director of the conviction within five days after such conviction. Failure to comply with this requirement will result in termination. It is strongly suggested that if an employee is charged with such a violation, the employee should notify his/her Office/Agency/Department Director immediately.

Applicant Testing

Applicants determined to be final candidates for commercial driver's license positions will be required to submit to a drug screening. The drug screen shall be performed within forty eight hours (48) from the time the conditional job offer is made.

Applicants determined to be final candidates for positions requiring a commercial driver's license or positions designated as safety sensitive by DOT guidelines will also be required to submit to an alcohol screening. The alcohol screen shall be performed within forty-eight hours from the time the conditional job offer is made.

The applicant must have a breath alcohol test result of less than 0.02 to be considered for employment. Applicants for temporary positions requiring a commercial driver's license or positions designated as safety sensitive by DOT guidelines will be required to submit to a drug and alcohol screening within forty-eight hours from the time the conditional job offer is made.

Candidates for other temporary positions should be required to submit to a drug screen within forty-eight hours from the time the conditional job offer is made if the Office/Agency/Department Director determines that the nature of the job and the length of the assignment warrant testing.

An applicant will have four (4) hours from the time the test is requested to provide an acceptable urine specimen. An applicant who refuses to submit to or fails to follow through with the drug test as required will not be considered for employment for a two year period.

An applicant who does not pass the drug test as required will not be considered for employment.

Any applicant covered by the provisions of the DOT alcohol-and-drug-testing guidelines whose breath alcohol test result indicates an alcohol concentration of 0.02 or greater will not be considered for employment.

Compliance with Law

Information regarding the testing and referral of employees/applicants under this policy will be treated as confidential in accordance with the requirements of Federal and North Carolina law governing the privacy of employee personnel records.

Searches and seizures are to be conducted in a legal manner as defined by County policy and the laws of Haywood County and the State of North Carolina. Haywood County reserves the right to conduct searches or inspections of property assigned to an employee whenever an Office/Agency/Department Director or their designee determines that the search is reasonable under all the circumstances.

Supervisory Responsibilities

Every Supervisor shall:

- A. Consistently apply this policy to all employees under his/her supervision. A Supervisor who fails to apply this policy when he/she believes or reasonably should believe that an employee under their supervision has committed a violation will be disciplined as well.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under their supervision when such employee is on duty has an illegal drug or alcohol in his/her system or is using any legal drug in a manner other than it was intended or prescribed.
- C. Insure that employees under his/her supervision are aware of the requirements and potential disciplinary consequences of this policy.
- D. Follow the procedure established by the Office/Agency/Department for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site and that those employees for whom there is reasonable

suspicion of drug use or who have had a breath alcohol test result of 0.02 or greater are transported home either by personal family/friends or by arranged transportation.

Employee Responsibilities

Every employee shall:

- A. Abide by this policy as a condition of hire and employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation use or possession of illegal drugs, alcohol or prescription drugs.
- C. Assure that his/her ability to perform their job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when in "ON-CALL" status. Should any employee be requested to report to work earlier than his/her normal or previously assigned time, it is the employee's responsibility to advise their supervisor of an inability to perform their job duties or that he/she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he/she might be called back into work, the employee shall be considered on disciplinary leave without pay if he/she is unable to report to duty due to drug or alcohol use. An employee may also be subject to other disciplinary action due to inability to report for duty due to drug or alcohol use.
- D. Submit immediately to a drug or alcohol test when requested by his/her supervisor.
- E. Notify his/her Office/Agency/Department Director if convicted of a violation of a criminal drug statute within five (5) days after such conviction.

* 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 services to a federal agency or receives grant funds from a federal agency. However, most Counties have nonetheless adopted this policy.

Section 10.**Tobacco Free Workplace Policy**

Haywood County strives to maintain a healthy work environment for its employees and clients. Tobacco is recognized as a carcinogen and is to be eliminated from work areas. All Haywood County buildings and vehicles are designated as tobacco-free. The Facilities and Maintenance Department shall designate that all Haywood County buildings and grounds are tobacco and smoke free. Elected Officials, County Management and Office/Agency/Department Directors will assure that there is no tobacco use or smoking in county buildings or county vehicles.

Definitions

- “Tobacco” is defined to include cigarettes, cigars, blunts, biddies, pipes, chewing tobacco, snuff and other items containing tobacco or tobacco products.
- “Tobacco use” is defined to include smoking, chewing, dipping or any other use of tobacco products.
- “Smoking” is defined as inhaling, exhaling, burning or carrying any lighted cigar, lighted cigarette, or other lighted tobacco product in any manner or form.
- “Spit tobacco” is defined as any tobacco product that is chewed, dipped, spit or held in mouth in any manner or form.
- “Tobacco product” is defined to include cigarettes, cigars, blunts, biddies, pipes, chewing tobacco, snuff and any other items containing tobacco.
- “Biddies” are small, thin hand-rolled cigarettes, often flavored, imported to the United States. They have very high concentration of nicotine, tar and carbon monoxide.
- “Blunts” are cigars that have been hollowed and refilled with marijuana.
- “Employee” is defined as any individual employed part-time, temporarily or full-time with Haywood County.
- “Grounds” is defined as property owned or leased by Haywood County for use as specified above to include: buildings and grounds, parking lots, walkways, ramps, and all county-owned vehicles.

Procedure

1. Appropriate signage will be posted at all building entrances and on the grounds.
2. Copies of this policy will be distributed to ALL employees and employment applicants when interviewed.
3. Employees who use tobacco and would like to take this opportunity to quit are encouraged to participate in cessation programs.
4. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of all staff. All individuals share in the responsibility for enforcing and adhering to the policy.
5. Any problems with enforcement or adherence to this policy should be brought to the attention of the appropriate supervisor and handled through the normal chain of command. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other Haywood County policies.

Section 11.**Haywood County Cellular Phone Use Policy**

This policy is to establish guidelines to ensure that cellular service is used in Haywood County to improve customer service and to enhance the efficiency of County operations. The purpose of this policy is to ensure cellular telephones and other cellular services used by Haywood County employees is to support County business functions to their full capacity. This policy complies with IRS regulations concerning taxable fringe benefits. Communication devices supplied by the County are considered by the IRS to be taxable fringe benefits. The County has implemented a uniform approach to ensure compliance with these regulations. This policy advises employees and Office/Agency/Department Directors of their responsibilities and provides guidance in managing the distribution and usage of cellular services for employees whose job duties require a cell phone.

Access to Cellular Phones

Haywood County will provide cellular telephones to, **OR** uniform departmental allowances for business related use of an individual's personal cell phone, when such business use will increase the level of service provided to the County's citizens, increase the level of safety for the County employee and/or satisfy legal requirements for the convenience of the employer. This does not include the use of cell phones for the purpose of clocking in/out which is seen as a convenience to the employee and may be achieved by alternate means if necessary.

The uniform allowance for personal cell phone use will be determined by the Office/Agency/Department Director and will be approved by the Finance Director based on available funding. This allowance will be included in the payroll process as a benefit.

County cellular telephones shall be used for appropriate County business purposes. Such use is defined as follows:

- When an employee must make a call related to further County business operations,
- The employee does not have access to a regular County landline telephone; and
- When the call cannot or should not wait until the employee has returned to their assigned workstation.

This includes but is not limited to employees whose primary duties involve public safety issues, on-call duty, employees who during the normal course of employment perform his/her job duties away from their assigned work station and for those employees who have a demonstrated need to be in contact with their offices.

The following criteria should be used by the Office/Agency/Department Director in determining whether an employee is eligible for a County cellular phone or cellular allowance:

- Reachable immediately- The employee's job duties and responsibilities are such that it is important that the Office/Agency/Department be able to reach him/her and transmit data immediately and the employee cannot be reached through more economical means.
- On-Call- The employee is in a paid on-call status outside of the workplace and the employee cannot be reached through more economical means. An employee who is not required to remain on County property but is merely required to leave word at his/her home with County officials where they may be reached is not working while on-call.

- Non-Fixed location- The employee's primary job duties and responsibilities are such that they are not working regularly at a fixed location and the employee cannot be reached through more economical means. The employee must be able to communicate with vendors, customers, etc. at times and locations where a land line is not routinely available.
- Travel- The employee's primary job duties and responsibilities are such that he/she makes frequent and/or prolonged travel outside of the Haywood County area and needs to remain in contact with his/her office or employees.
- Safety- The employee's primary job duties and responsibilities are such that he/she needs a portable communication device for his/her safety or the safety of their clients, customers or constituents.

Incoming calls on County issued cell phones are allowed only when the calls relate directly to the employee's County job duties. The Office/Agency/Department Director is responsible for regularly reviewing incoming calls on the assigned cell phones. The County reserves the right to review, audit and inspect information residing in or transferred over all technological systems including Haywood County issued cellular phones at any time with or without prior notice. The request for such access may occur during or after work hours. These reviews may include auditing of use to make sure there is enough reasons to merit the issuance of the County phone.

Use of Cellular Phones

Cellular telephone services as other means of communication are to be used to support County business and all communications should meet professional and ethical standards of conduct. Employees may use cell phones to communicate outside County government when said communication is related to legitimate business functions and is within the employee's job assignments or responsibilities. Employees will not use cellular phones for illegal, disruptive, unethical, or unprofessional activities or for personal gain. They may not use the cell phones for any purpose that would jeopardize the legitimate interests of Haywood County. Any special features that incur additional costs such as text messaging, 411 assistance, email and other features should not be included on County issued phones except under special circumstances that have prior approval by the Office/Agency/Department Director. Usage of these phones can be monitored and records can be retrieved from the cell phone carrier upon request.

No employee shall use a cellular phone or wireless handset to compose, read or send text messages, email or any other similar related activities while operating a County vehicle and/or personal vehicle at any time while he/she is performing duties related to County business. As stated in the Fleet Policy, cell phones are to be used only when the vehicle is in parked position and off the road.

A violation of this policy is an offense that may result in disciplinary action up to and including dismissal. The following individuals shall be exempt from this policy:

- Law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, and fire safety officials in the course and scope of performing their duties
- Persons using a wireless handset to contact an individual listed above; and

- Persons using a wireless handset inside a motor vehicle that is parked, standing or stopped and is removed from the flow of traffic or stopped due to the inoperability of the motor vehicle.

Privacy and Access

Office/Agency Department Directors will routinely monitor cellular telephone statements of County issued phones to ensure that actual cell phone usage is commensurate with this policy. They will take reasonable precautions to prevent possible misuse of cellular phones. Any violation of this policy may result in but is not limited to one or more of the following actions:

- Requiring a cell phone log from the employee detailing all calls
- Loss of cell phone privileges
- Employee reimbursement of cell phone charges
- Appropriate disciplinary action up to and including dismissal.

Cellular telephone statements or summaries are public documents and in certain circumstances may be disclosed.

Roles and Responsibilities

In accordance with this policy, Office/Agency/Department Directors will:

- Ensure that this policy is properly communicated to and implemented by all employees using cellular telephones for County related business purposes
- Train staff in the appropriate use and be responsible for ensuring the security of cellular telephone devices and proper usage; and
- Ensure that cellular telephone usage within his/her respective departments is monitored on an ongoing basis and that any inappropriate use is dealt with in accordance with this policy.
- Determine who will receive allowances and the level of allowances which will be processed through payroll per the IRS regulations
- Investigate possible misuse of cellular telephones when a reasonable suspicion of abuse exists or in conjunction with an approved investigation authorized by County management.

In accordance with this policy, all cellular telephone users including Office/Agency/Department Directors and employees will:

- Recognize and understand that while these phones are property of Haywood County, the employee is personally responsible along with the Office/Agency/Department Director for making sure that the phone is used in an effective, efficient, ethical and lawful manner. This includes responsibility for proper care and maintenance of assigned cellular phone.
- Be held responsible for and to reimburse Haywood County for the cost of any damaged or lost phones due to negligence and that such action may result in an appropriate disciplinary action if warranted.

In accordance with this policy, the Finance Department will:

- Negotiate cellular telephone service contracts with providers and maintain a central file of all cellular telephone service contracts for County issued phones. When applicable and reasonably justifiable, the County will use pre-negotiated state and federal contracts with cellular providers.

- Review rate plans periodically to determine if a change in the rate plan currently in place is necessary
- Handle any persistent problems with cellular service
- Facilitate the acquisition of cellular telephone service for County issued phones including the negotiation of and amendments to service plans, contracts, cancellation of service and all cellular devices.
- Be designated by the County Manager to act as the authorized agent for Haywood County to negotiate contractual terms and place orders for cellular service
- Pre-audit all County provided cell phone contracts between the County and cellular service providers in accordance with applicable laws and policies.
- Maintain copies of a cell phone agreement that must be signed by each individual employee who is issued a County provided cell phone

The County Manager or his/her designee must approve and sign all County Cell Phone Requests or reimbursement requests at the Office/Agency/Department Director level. The Office/Agency/Department Director must approve and sign all County Cell Phone or reimbursement requests within their respective departments. These signed agreements must be forwarded to the Finance Department on a Justification Form for approval.

Elected Officials

Elected officials are not governed by this policy, however they are encouraged to adopt this or a comparable policy to govern the use of cellular phones for their respective offices.

Section 12.

Haywood County Internet and Computer Usage Policy

Haywood County provides access to computer, e-mail, internet and other technology to assist employees in the performance of their job duties. The facilities to provide this access represents a considerable commitment of County owned resources for telecommunications, networking, software, storage, support and computer systems.

This policy is designed to help the employees understand the expectations for the use of these resources. First and foremost, all employees have the responsibility to utilize these resources in a professional, ethical and lawful manner. Computer, email and internet resources are a business tool provided to the employees at a significant cost to the County. All employees are expected to use said resources for County business related purposes only.

All employees must respect copyrights, software licensing rules, property rights, privacy and the prerogatives of others, similar to other County business transactions. All existing County policies as outlined in this Personnel Policy Manual apply to conduct with regard to internet usage, including but not limited to those involving intellectual property protection and software piracy, privacy, misuse of County resources, harassment, information and data security as well as confidentiality.

The County's security software may record for management use the internet address of any site/s visited by an employee and keep a record of any network activity transmitted or any type of file received. Messages sent or received may be recorded and stored in an archive file for

management use. Any violation of this policy could lead to disciplinary action up to and including revocation of internet privileges, dismissal and/or criminal prosecution. All employees will be responsible for reviewing this policy and must sign an acknowledgement upon receipt of this revised Personnel Policy Manual.

Your signature on this acknowledgement states that you:

1. Waive any right of privacy for anything created, stored, viewed, sent or received on any Haywood County computer, networking equipment or technological devices.
2. Have read and understand all of the above stated policy.
3. Understand what your responsibilities are under this policy.
4. Understand that you will be held accountable for all communications that you store, send, or receive using Haywood County computers, networking equipment or technological devices.
5. Agree to abide by this policy.

Misuse includes but is not limited to:

1. Allowing any person other than Haywood County Technology and Communications Department staff to set up equipment, install software, hardware, perform updates, maintenance or disconnect components from Haywood County computers or networking equipment. (Exception: would be when authorization has been obtained in a written agreement from the Technology and Communications Department and signed by the Technology and Communications Director).
2. Installing software, via CD's, DVD's, internet downloads, thumb drives, etc. without contacting the Technology and Communications Department.
3. Connecting personal devices to Haywood County computers or networking equipment or technological devices including but not limited to: cell phones, digital cameras, web cams, etc.
4. Disconnecting Haywood County computer or network equipment and technological devices.
5. Using Haywood County owned equipment or county assigned email for a purpose that was not intended, such as personal gain or commercial enterprise.
6. Unauthorized attempts to read, alter, change, execute, or delete files belonging to another user or stored on a Haywood County computer which contains County data.
7. Installing games on any Haywood County computer or networking equipment and technological devices.
8. Using a Haywood County computer, networking equipment or technological device to infringe copyright laws or make illegal copies without proper authorization from the legal owner.
9. Intentionally viewing pornographic or sexually explicit material on any Haywood County computer, networking equipment or technological device unless viewing such materials is to assist in the investigation of a criminal case, in which the usage of this material is to be authorized by the Haywood County Sheriff.
10. Releasing or using confidential information of others, including but not limited to: data, passwords, codes, Social Security numbers or any other information which was not intended for public knowledge.
11. Installing or using any peer-to-peer type of programs.

12. Using Haywood County computers, networking equipment or technological devices in any way that would constitute gambling.
13. Any attempt to "hack" or gain access to Haywood County computers, networking equipment and technological devices.
14. Deliberately allowing a non-Haywood County employee to access Haywood County computers, networking equipment or technological devices from a remote location unless written authorization has been granted by the Haywood County Technology and Communications Department.

Misuse may result in immediate termination of all Haywood County computer, networking equipment and technological device use and personnel action in accordance with the appropriate disciplinary action as outlined in this Personnel Policy Manual.

Email and/or Internet Usage

1. No profanity, sexually or other offensive language shall be used in any County technological communications.
2. It is advised that confidential HIPAA- protected information forwarded through e-mail be properly encrypted.
3. Chain letters, self-replicating messages and other similar related programs/communications shall not be communicated through the County e-mail system.
4. Do not attempt to hide your identity or place someone else's identity on your communications.
5. Upon receipt of an email attachment that looks suspicious or if the sender is unknown, the message should be disregarded and deleted.
6. Do not download software from the internet without prior permission from the Technology and Communications Department. All software downloads must be documented with the Technology and Communications Department.
7. Do not view, store, send or receive communications which are discriminatory, harassing, obscene, pornographic, sexually explicit or otherwise illegal unless the materials is aiding in the investigation of a criminal case and is authorized by the Haywood County Sheriff.

Personal Use

E-mail and internet use is a privilege provided for County use. Employees are responsible for ensuring these tools are used properly and in the course of County related business matters. Employees are expected to limit personal use to a minimum keeping in mind that you do not have an expectation of privacy in anything created, stored, sent or received using Haywood County computers, networking equipment and technological devices.

Monitoring

Haywood County computers, networking equipment and technological devices are monitored. Only personnel specifically designated by the Haywood County Board of Commissioners or the County Manager with authorization to monitor technological activity may do so. All communications are property of Haywood County Government and are subject to public records law as outlined in Chapter 132 of the N.C. General Statutes. Monitoring includes, but is not limited to: viewing user files, screening email, monitoring screens and keystrokes, monitoring webpages viewed, monitoring programs run and monitoring social media accesses.

Employee Responsibilities include:

1. Each employee is responsible for the content of all communications that they store, send, or receive using any Haywood County computer, networking or technological devices.
2. All email must be identified with the employee's name and/or a valid email address.
3. Report any suspected misuse or violation of this policy to the Technology and Communications Department and to the Human Resource Director.
4. Ensure that all passwords remain confidential.
5. Report any web sites or email addresses encountered that could be harmful to all technological devices, the network and users.
6. Report to the Technology and Communications department ANY VIRUS LIKE ACTIVITIES IMMEDIATELY.

When using any Haywood County technological devices, the employee is representing Haywood County. It is expected that employees use good judgment and conduct themselves in a responsible, ethical and professional manner during all communications.

Violations

1. Misuse of email as stated above or otherwise may result in temporary or possible permanent loss of the employee's individual email account.
2. Misuse of internet access in violation of the stated policy will be subject to corrective action in accordance with Haywood County Personnel Policies.
3. Violating this policy in any way will result in disciplinary action up to and including dismissal and/or criminal charges being filed.

Reporting Violations

This policy is strictly enforced in order to continue providing these privileges to all employees. If an employee knows of a possible violation, he/she is responsible for reporting it to their immediate Supervisor, the Technology and Communications Department, Human Resources and or the Haywood County Sheriff.

Section 13.

Haywood County Automated Time Recording and Submittal Policy

All employees' time will be duly recorded as outlined in this policy

Purpose

The Haywood County Automated Time and Attendance Policy shall ensure that the prompt and accurate compensation of employee time attendance shall be recorded. Employees and Supervisors alike must ensure that appropriate and accurate records are submitted to the Finance Office Payroll Manager on a timely basis.

Policy

Haywood County utilizes an automated time recording and payroll processing mechanism in an effort to minimize payroll liability and increase accuracy and reporting capabilities. This automated system is a precise measure of time and attendance, which is based upon key clocks. These procedures apply to all employees, regardless of exemption status.

The exact procedures to be used shall be distributed to all employees and all employees shall be bound by these procedures. The Human Resource Director with the approval of the County Manager may update the procedures and distribute any changes to all employees who shall then be bound by such changes.

Changing the work schedule of an employee/group of employees should be requested by the Office/Agency/Department Director and should also receive concurrence from the Human Resource Director and must receive the approval of the County Manager. All alternate work schedules should be made for the benefit of serving the citizens of Haywood County.

Those authorized to participate in a Deviation from the Normal Work Schedule are required to comply with all other Haywood County policies and procedures. Employees who must be at his/her worksite during the standard work week and hours because of a job-related and business necessity (i.e. meeting/greeting the general public) are not eligible to participate in a Deviation from the Normal Work Schedule.

Deviation from Normal Work Schedule

In keeping with our ongoing efforts and evaluations to meet the needs of our citizens and the broader community with limited resources, the County creates this policy with regards to work schedules that deviate from the Monday through Friday 8:00 a.m.-5:00 p.m. work week. A deviation from normal work schedule means working outside the normal 8-5 business hours, as specified in this Personnel Policy Manual.

Article III. Section 24 of this Personnel Policy Manual states the following:

The standard work week for all employees of the various departments of the County, with the exception of public safety employees shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Office/Agency/Department Directors shall work the hours necessary to ensure satisfactory performance of their respective areas, but not less than forty (40) hours per week. When the activities of a particular Office/Agency/Department require some other schedule to meet the work needs, the County Manager may authorize a deviation from the normal work schedule.

It should be noted that numerous employees, due to the nature of their work, for example Supervisors cannot utilize a deviation from the normal work schedule due to lack of adequate coverage for their respective areas. (All employees' primary purpose for being at work is to serve the public).

Ultimately we are here to fulfill the County's business necessity needs and our focus for hours worked should first and foremost be what is in the best interest for our County.

As of January 1st, 2014, all employees with the exception of Public Safety employees are required to work the standard work week as defined in this Personnel Policy Manual.

A deviation from the normal work schedule may be approved if it is determined to be in the best interest of the citizens than an employee may be working with (i.e. employee may need to serve citizens outside of the standard work week or if the Office/Agency/Department operates outside of the standard work week. This will be reviewed on an as needed basis by the immediate

Supervisor. A deviation from the normal work schedule should not extend beyond one pay period without approval by the Office/Agency/Department Director. The Office/Agency/Department Director could allow such a schedule if the needs of the Office/Agency/Department and the community were best served by this change in schedule. The focus of this policy is to serve the citizens of our County. The reason/s to allow an employee to deviate from the normal work schedule should be documented as to why this decision was made. Allowing individual/s to work outside the normal work schedule should also not routinely interfere with the employee doing business to serve all the citizens of the County.

Additionally a deviation from the normal work schedule may be used in the following situations and must have prior approval by the Office/Agency/Department Director:

- Intermittent Family Medical Leave
- Educational Needs
- Reasonable accommodations under the ADA
- Extended business hours to serve the public
- Covering an event outside of the standard work schedule

In addition to the reasons listed above, the Office/Agency Department Director may determine a compelling business reason to allow broader use of a deviation from the normal work schedule and seek approval from the County Manager.

Employees may request to use a deviation from the normal work schedule for the reasons stated above by submitting a written request to the Office/Agency/Department Director.

Employees may continue to utilize accrued leave with prior approval from their immediate Supervisor to request time off as needed for personal business, vacation or medical appointments.

Section 14.

Workplace Environment, Health, Wellness and Work Life

Purpose

Haywood County Government acknowledges its obligation as an employer to provide a safe and healthy work environment for all of its employees. Furthermore, the County recognizes the employment-related rights and concerns of employees who may be exposed as a part of their job duties to or who may have HIV infection. In light of the concerns and the increasing incidence of Acquired Immune Deficiency Syndrome (AIDS), an infectious disease not transmitted by casual contact, Haywood County Government has developed this policy to provide implementation guidance for all managers and employees on how to deal with AIDS in the workplace. Further, this policy has been developed to address morale, productivity, safety, anti-discrimination, confidentiality and other areas that are impacted by this policy.

Policy

It is the policy of County government to provide a work environment to protect the health and well being of all of its employees. To this end, the County will provide education and training, work practices, procedures, and ensure that employees who are exposed to or have HIV infection are provided with confidential, fair and equal treatment. Additionally, this policy outlines the rights and responsibilities of supervisors and employees regarding HIV infection in a work environment.

Education and Training

All Offices/Agencies/Departments of County government will undertake an education and training program. This program will have two components:

- A basic education and training component for all employees and
- An advanced education and training component for employees who perform tasks that have a greater potential for exposure to the HIV virus.

Basic Education and Training Components

To insure program consistency, the NC Office of Human Resources developed and published an AIDS Education Program which Offices/Agencies/Departments may use to provide education and training for employees.

The Human Resource Director, with the assistance of professional health educators, will insure that all employees will be offered this training within three years from the adoption of this Personnel Policy Manual, and thereafter for new employees within six months of their initial employment with the County.

Advance Education and Training Components

Offices/Agencies/Departments will identify training modules and resources as approved by the State Public Health Director which will address the special education and training needs of employees who perform work related tasks that have a potential for exposure to the HIV virus. Each Office/Agency/Department shall adopt these resources to their own workforce needs.

Each Office/Agency/Department with employees requiring advanced training will provide such training at the time of initial assignment and at least annually thereafter. Appropriate documentation of training shall include dates of training, a summary of training content, name and qualifications of instructor and the name and title of the persons attending. Training records shall be maintained for a period of three (3) years.

Anti-Discrimination

It is the County's policy to not discriminate against any applicant or employee who has or is suspected of having AIDS or HIV infection. The County recognizes that an employee with AIDS or HIV infection may wish to continue working. As long as the employee is able to satisfactorily perform the duties of the job (G.S. 168A-3(9), 130A-148C (I) and there is no medical evidence indicating that the employee's condition is a health threat to employees, co-workers or the public, an employee shall not be denied continued employment nor shall an applicant be denied employment solely because of a medical condition.

Testing and Examination

Medical tests and examinations to determine the presence of HIV or HIV associated conditions are prohibited except as authorized by State and Federal law or required by the rules of the Commission for Health Services. An employee who suspects that having had a nonsexual blood or body fluid exposure to the HIV virus while on the job may voluntarily elect to be tested for the HIV infection, provided that the suspected exposure poses a significant risk of transmission of HIV as defined in the Rules of the Commission for Health Services. The cost of tests for the exposed employee shall be borne by the employer, if requested by the employee. Some employees may

prefer to pay for their own test through a personal or family physician, or use the free testing of a Public Health Department.

Confidentiality

Confidentiality shall be strictly maintained by the agency for any employee with HIV or HIV associated conditions as required by existing confidentiality rules and laws. Any current confidentiality policies that are in force shall be updated by the agency to include the HIV policy.

Prevention of Occupational Exposure

Basic programmatic requirements and guidelines for the control of potential exposure to HIV virus are delineated in the Employees Workplace Requirements for Safety and Health Policy in the County Personnel Policy Manual. Blood Borne Pathogens training is provided on an annual basis to all County employees.

Complaints and Discipline

The County acknowledges that employees with HIV infection as well as their co-workers may have concerns for their own health and safety. Managers are to pursue all appropriate actions to respond to the concerns of all employees. The County recognizes the rights of employees to grievance procedures. The employer has an equal right to maintain a harmonious and productive work environment that is free from disruptive or inconsiderate behavior, or from the refusal of any employee to perform work at assigned times and locations. If insubordinate or disruptive actions occur, Office/Agency/Department Directors are to follow the normal disciplinary procedures described in the Disciplinary Action, Suspension and Dismissal Policy. Before any disciplinary action can be taken, an agency or department shall first provide counseling by a qualified Health Care Professional to an employee who fears that a serious health risk is created by the presence of a co-worker who has AIDS or HIV infection.

Communicable Disease Emergency

Purpose

The purpose of this policy is to outline provisions covering the following human resource areas in case of a communicable disease (e.g. pandemic influenza) or other serious public health threat that is declared by the State Public Health Director or the Governor to be a public health emergency:

- Designation of mandatory employees
- Compensation of mandatory employees
- Accounting for absences
- Disciplinary action for failure of mandatory employees to report to work
- Emergency Lay-off Provisions

Definitions

Epidemic	A disease occurring suddenly in a community, region or country in numbers clearly in excess of normal. This includes the occurrence of several cases of a disease associated with a common source.
Pandemic	The worldwide outbreak of a serious communicable disease in numbers clearly in

	excess of normal.
Incubation Period	The time, usually in days, between exposure to an illness and the onset of symptoms.
Isolation (Authority G.S. 130A-2 (3A))	Restriction of movement and/or action of individuals infected with a communicable disease to reduce the chance of spreading disease.
Quarantine (Authority G.S. 130A-2 (7A))	Restriction of movement and/or action of individuals who are known to have been exposed to or may reasonably be suspected to have been exposed to a communicable disease and who do not yet show signs or symptoms of infection.
Mandatory Employees	Employees with permanent, probationary, time-limited or trainee appointments who are required to work during a public health emergency because their positions have been designated by their agencies/departments as mandatory to the operations during the emergency.
Social Distancing	Actions taken to reduce the opportunities for close contact between people in order to limit the spread of a disease.

Responsibility for Closings

The State Health Director or the Governor has authority to declare a public health emergency.

In case of a public health emergency, the Governor has broad powers to issue an emergency order to protect the public health. Under G.S. 166A-6, the Governor may close all schools, community colleges, universities, childcare and adult day care facilities and order that no public events shall be held where large numbers of people are gathered in one physical location. The Governor may also close all non-mandatory State/County services and order mandatory services to remain operational.

In the absence of such an order, the Office/Agency/Department Head shall consult with Local/State Public Health officials to determine the severity of the individual situation and to determine what actions shall be taken (including the closure of said offices/agencies and departments). The public health authority rests with the State Health Director and each Local Health Director. (G.S. 130A-145) Each County Office/Agency/Department will likewise adhere to any communicable disease orders of the State or Local public health agencies to prevent transmission of a communicable disease.

Management shall inform employees and employees shall inform management of any evidence of a communicable disease that could seriously endanger the health of others in the workplace.

Management shall immediately notify the local health department. Offices/Agencies/Departments have the flexibility to define this protocol within their continuity of operations plan (COOP) guidelines.

Possible Actions during a Pandemic

During a communicable disease outbreak, any of the following may occur:

- Closing of one or more Offices/Agencies/Departments or parts of these by order of the Governor
- Closing of Offices/Agencies/Departments or parts of these by order of the State or Local Public Health Director
- Closing of an Office/Agency/Department by agreement between the State or Local Public Health director and a member of authority within the Office/Agency/Department
- Decision by the Office/Agency/Department authority that an employee(s) should stay away from the workplace until symptoms have gone,
- Isolation of an ill or symptomatic employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-2(3a), or
- Quarantine of an exposed or potentially ill employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-2(7a).

The authority for public health isolation, quarantine, and other communicable disease control measures resides with the State Health Director and/or the Local Health Director (G.S. 130A-145) in the county of residence or their designees.

Social Distancing

In order to minimize transmission from person to person, each Office/Agency/Department should have in place a Social Distancing Policy to implement immediately upon orders from the Governor and/or Public Health officials.

Social distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. It can be accomplished by administrative and engineering controls.

Examples include:

- Reducing face-to-face exposure by using conference calls and video conferencing;
- Avoiding unnecessary travel;
- Canceling meetings, workshops, training sessions and scheduled events;
- Requiring employees to work from home to reduce exposure in the workplace;
- Establishing flexible working hours to avoid mass transportation, at least during peak hours;
- Installing protective barriers between work stations or increasing space between workers;
- Reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the Office/Agency/Department);
- Scheduling employees in shifts;
- Controlling access to buildings; and
- Requiring asymptomatic individuals traveling to affected areas not to return to work until one incubation period has passed after returning home.

An agency may choose to practice social distancing by use of alternative worksites or teleworking. Office/Agency/Department Directors are authorized to establish immediate telework arrangements, bypassing the normal work requirements as outlined in the County Personnel Policy Manual during the declared emergency. Employees required to work shall receive regular pay.

Mandatory Employees

Each Office/Agency/Department shall predetermine and designate mandatory operations and designed the employees to staff those operations.

Mandatory employees may be excused from work if they are quarantined or ill, if they are required to care for a member of the immediate family who is quarantined or ill, or if they are a parent (or guardian) who is required to stay home with underage children because of the closure of a day care facility, public school or eldercare facility.

The Office/Agency/Department shall maintain a list of mandatory employees by position including current employee name and contact information. The Office/Agency/Department Director shall develop an alternative plan for personnel in case the designated personnel are unable to work. Alternative workers may include current employees who are not designated as mandatory but who possess the skills to fill in for mandatory employees, retirees, contract workers or other temporary employees. This will be especially important in a pandemic that may last for several weeks or months.

Employees designated as mandatory personnel shall be notified of such designation and the requirement to report for, or remain at, work in emergency situations. If mandatory personnel are required to remain at the worksite for an extended period of time, the Office/Agency/Department will provide adequate housing and food.

Failure of Mandatory Employees to Report

Individuals designated as mandatory employees may be subject to disciplinary action, up to and including termination of employment, for willful failure to report for or remain at work. Each situation will be reviewed on a case-by-case basis to determine appropriate action.

Compensation of Mandatory Employees

When an Office/Agency/Department is closed or when management determines that only mandatory employees are required to report to work, the mandatory employees shall be granted time and one-half pay for all hours worked or all hours that the employee is required to remain on-site, subject to the availability of funds. If funds are not available, the employee shall be granted the additional half-time pay at a later date or one-half compensatory time. This provision applies to ALL employees who are exempt and non-exempt under the Fair Labor Standards (FLSA) Act guidelines.

This provision does not include temporary employees under any circumstances.

Leave

Management should stress to employees that they will not be penalized for using their leave, thereby encouraging those with symptoms associated with a communicable disease to stay home

so that they do not infect other employees and also recognize that employees with ill family members may need to stay home to care for them.

Quarantined by a Public Health Official:

When an employee is quarantined, the employee shall be granted paid leave until the specified period of time ends or the employee becomes ill with the communicable disease, whichever comes first. This shall include employees with temporary appointments.

Employee is required by the agency to stay home:

If Office/Agency/Department Director believes that an employee has symptoms associated with a communicable disease, management may require the employee not to report to work and to use any available compensatory leave, sick leave, vacation leave or accrued leave time.

If Office/Agency/Department is closed:

Although all efforts should be made to allow non-mandatory employees to work from an alternative location, it may not always be possible. When an Office/Agency/Department is closed or when management determines that only mandatory employees are required to report to work, the non-mandatory employees who are not required to work shall be granted the opportunity to use their paid leave for up to 30 calendar days or to the extent they have paid leave accrued. The employee's pay shall continue at the same rate the employee would have received had the employee been working. If adjustments need to be made, they shall be made in the next paycheck after returning to work, depending on payroll deadlines for that particular pay period. If a non-mandatory employee elects to work when the Office/Agency/Department is closed, this employee will not receive additional pay.

Employees who are on pre-arranged vacation or sick leave shall charge this leave to the appropriate account until the end of their scheduled days off. Also, employees on leave without pay shall continue on leave without pay until the schedule leave without pay period ends.

If employee becomes ill:

If the employee becomes ill and it is determined to be work related in accordance with the Worker's Compensation Act, the Worker's Compensation policy and procedures will apply. If the employee is isolated or becomes ill as a result of off-the-job exposure, the sick leave policy and procedures will apply. The provisions of the Family and Medical Leave Policy (FMLA) shall also apply if the eligibility criteria are met.

Verification

Employees who have symptoms of a communicable disease and are required to stay home or who are ill with the communicable disease should be cautioned not to return to work until they are sure that they are fully recovered.

Office/Agency/Department Directors may require certification of fitness to work from a health care provider.

If quarantined, it is the employee's responsibility to provide the agency with a written verification from a Public Health official.

Day Care or Public and Private School Closings/Elder Care

When an agency is open but an employee, who is a parent (or guardian), is required to stay home with a child (as defined in the FMLA guidelines) because of the closure of a day care facility or a public school, the non-mandatory employee may, with approval of their immediate supervisor be allowed to work at home or elect to:

- Use vacation leave,
- Use personal leave up to three hours at a time per day
- Use sick leave,
- Use compensatory leave,
- Take leave without pay, or
- Make time up in accordance with the parameters for making up time during adverse weather. The Office/Agency/Department may elect to extend the make-up time to twenty-four (24) months if necessary

This also applies for eldercare.

Review of Policy Provisions

If an Office/Agency/Department is closed for more than thirty (30) days, the leave and compensation provisions of this policy shall be reviewed and either terminated, revised or renewed. The Office/Agency/Department Head shall determine the appropriate course of action in consultation with the Governor's Office and the County Manager.

Pending a decision on renewing these provisions, the employee may be allowed to take leave (compensatory, sick, vacation, personal) if available, until a decision is made. If leave is not available, leave may be advanced and paid back within a period of twenty-four (24) months.

Emergency Layoff

An emergency layoff is a temporary separation from payroll because funds are not available, work is not available or because of another emergency situation requiring employees to remain away from the worksite. The employer believes that the condition will change and intends to recall the employees as soon as feasible.

An emergency lay-off may be declared if the agency remains totally closed or partially closed for an indefinite period of time due to the public health emergency. The Office/Agency/Department Director shall make this decision after consultation with the Governor's Office and the County Manager.

During an emergency layoff, employees who are laid off are entitled to participate in the County Health Plan. County Offices/Agencies/Departments shall play the employer's contribution. The Office/Agency/Department may also elect to pay the employee contribution for the month following the layoff if funds are available and with the provision that the employees shall repay the Office/Agency/Department for any contribution(s) made on their behalf.

An employee shall not be paid for leave at the time of the emergency layoff; however, vacation and sick leave will continue to accrue during the layoff to be credited to the employee's account upon return from the layoff. If a reduction-in force should occur before the employee returns, the

vacation leave accumulated while on layoff shall be paid along with other unused vacation/accrued leave that was on hand at the time of the layoff.

An employee will continue to receive total County service while on an emergency layoff.

An employee may be eligible for unemployment benefits with the North Carolina Employment Security Commission while on an emergency layoff. Employees should contact the N.C. Department of Commerce-Division of Workforce Solutions formerly the Employment Security Commission for further details.

Other Provisions

Hiring

During the communicable disease outbreak emergency, if new hires are needed to cover emergency operations, the Office/Agency/Department Director is authorized to execute the immediate hiring of an individual who is determined to be qualified and able to do the work by:

- Waiving the vacancy posting policy
- Waiving the minimum qualifications policy, and
- Waiving the hiring of relatives (nepotism) policy.

Employees hired under these conditions should be given a temporary or time-limited permanent appointment.

The Office/Agency/Department Director is also authorized to offer competitive salaries for the duration of the emergency.

Employee Reassignments

The Office/Agency/Department Director is authorized to assign employees where they are most needed and compensate them accordingly for the duration of the emergency.

Personal Protective Equipment (PPE)

Introduction

The North Carolina Occupational Safety and Health Act of 1973 was enacted to assure so far as possible every working man and woman in the State of North Carolina safe and healthy working conditions and to preserve our human resources.

North Carolina's Department of Labor (NCDOL) Occupational Safety and Health bill, which specifies all the occupational safety and health standards promulgated under the Federal Standard, Subpart-I-Personal Protective Equipment, was adopted in North Carolina effective November 1st, 1994.

General Requirements

Employer Provided Personal Protective Equipment

It is the responsibility of the employer to provide, at no cost to the employee, all personal protective equipment required by the job that the employee does not wear off the jobsite or use off the job.

Protective equipment, including personal protective equipment (PPE) for ears, eyes, face, head and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, inspected and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

Employee-owned Personal Protective Equipment

Where employees provide their own protective equipment, the employer shall assure its adequacy including proper maintenance and sanitation of such equipment.

Design

All personal protective equipment shall be of safe design and construed for the work to be performed as recognized in regulatory or industry standards.

Special Conditions

There are special conditions that apply to the purchase of the following equipment:

- 1) Eye Protection
Safety Glasses with Side Shields- 100% County funded except that employees who wear prescription glasses shall pay for the cost of the examination.
- 2) Foot protection
 - a. Safety Footwear- County shall fund one pair per year, cost not to exceed dollar amount established biennially by the Haywood County Budget and management which includes inflationary cost increase. Authorization for purchase required by employer management. Employee may purchase and be reimbursed by following County policy and agency procedures or the Office/Agency/Department may supply safety footwear under rules of the County requirements.
 - b. Rubber and Specialized Safety Boots-100% County funded.

Hazard Assessment and Equipment Selection

The employer shall assess the workplace to determine if hazards are present, or likely to be present, and will necessitate the use of PPE. If such hazards are present, or likely to be present, the employer shall:

- Select and have each affected employee use the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
- Communicate selection decisions to each employee; and
- Select PPE that properly fits each affected employee.

The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the dates of the hazard assessment, and which identifies the document as a certification of hazard assessment.

Defective and Damaged Equipment

Defective or damaged personal protective equipment shall not be used. It shall be tagged "DEFECTIVE DO NOT USE" or "DAMAGED UNSAFE DO NOT USE" and repaired to manufacturer specifications or disposed to prevent future use.

Training

Before doing work that requires the use of PPE, employees must be trained. The employer shall provide training to each employee who is required to use PPE. Each employee shall be trained to know at least the following:

- When PPE is necessary,
- What type PPE is necessary,
- How to properly don, doff, adjust and wear PPE,
- The limitations of the PPE, and
- The proper care, maintenance, useful life and disposal of the PPE.

Each affected employee shall demonstrate an understanding of the training and the ability to use the PPE properly, before being allowed to perform work requiring the use of PPE.

When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required the employer shall retrain each such employee. Circumstances where retraining is required, includes but is not limited to the following situations:

- Changes in the workplace, rendering previous training obsolete;
- Changes in the type of PPE to be used, rendering previous training obsolete; and
- Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.

The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each trained employee, the dates of training, and that identifies the subject of the certification.

Section 15.

Workplace Violence

Purpose

It is the intent of the Haywood County Board of Commissioners to provide a workplace for County employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty has the impact on an employee's ability to perform their job. In implementing this policy, the County is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the effects of violence on victims and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as the Employee Assistance Program (EAP), law enforcement and apply any and all applicable personnel policies and procedures.

Definitions

Workplace Violence includes but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence or property damage and includes acts of violence committed by County employees, clients, customers, relatives, acquaintances or strangers against County employees in the workplace and in the course of performing their job duties.

Intimidation is engaging in actions that include but is not limited to behavior intended to frighten, coerce or induce duress.

Bullying is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean the recipient.

Stalking involves harassing or pestering an individual, in person, in writing, by telephone or electronic format. Stalking also involves following an individual spying on them, alarming the recipient or causing them distress and may involve violence or the fear of violence.

Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

Property Damage is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

Coverage

This policy applies to County full-time and part-time employees with regular, probationary, trainee, time-limited regular or temporary-appointments. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty conduct that has a potential adverse impact on a County employee's ability to perform the assigned duties and responsibilities of their position.

Prohibited Actions and Sanctions

It is a violation of this policy to engage in workplace violence as defined herein;

- Use, possess or threaten to use an unauthorized weapon during a time covered by this policy, and
- Misuse authority vested to any employee of the County in such a way that it violates this policy.
- Per Haywood County General Regulation Chapter 96 and pursuant to N.C. G.S. 14-415.23 and N.C. G.S. 14-415.11, it is unlawful and a violation of N.C. G.S. 153A-129 for any

person or employee to display a handgun on any real property owned, leased, occupied or controlled by Haywood County. Furthermore, it is unlawful and a violation of N.C.G.S. Chapter 14, Article 14, Article 54B for any person to carry a concealed handgun on any real property owned or controlled by Haywood County. As provided in N.C. G.S. 14-415.10 (1) the term carrying a concealed handgun includes the possession of a concealed handgun. No employee may carry or possess a concealed weapon on or about his/her person while the employee or vehicle is located on property owned, leased, occupied or controlled by the County. All employees must comply with the State laws and County Ordinances with regard to concealed weapons.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Section of this Personnel Policy Manual.. Acts of violence as defined herein, may be grounds for disciplinary action, up to and including dismissal from employment with the County.

An act of off-duty conduct may also be grounds for disciplinary action, up to and including dismissal from employment with the County. In these situations, the Office/Agency/Department Director must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a County employee's ability to perform his/her assigned duties and responsibilities.

Advisory Note: When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. The County's Employee Assistance Program (EAP) will assist agencies by facilitating a referral to an appropriate resource for this assessment. The EAP will maintain a network of appropriate professionals trained to conduct a risk assessment.

Authorized Exceptions to the Policy

An employee may possess a weapon if possession is:

- In compliance with North Carolina law,
- Authorized by the Office/Agency/Department head or his/her designee
- Used by an employee who is a certified law enforcement officer,
- Required as a part of the employee's job duties with the County, or
- Connected with training received by the employee in order to perform the responsibilities of their job with the County

Support and Protections

The Office/Agency/Department shall make efforts to protect victims of workplace violence by offering all available security measures. Victims may also need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The Office/Agency/Department shall accommodate these requests and needs whenever possible and appropriate. The Office/Agency/Department shall work closely with victims to ensure that both the needs of the victims and the employer are addressed.

Management is expected to offer support to victims of workplace violence, which includes domestic violence. This support should include encouragement of the victim to use the services of an

Employee Assistance Program (EAP), if available. In addition, management shall use the discretion to grant a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization. The following options should be considered:

- Flex scheduling
- Vacation leave
- Sick leave
- Personal leave
- Leave without pay
- Compensatory leave

Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence. However, due to the nature of conducting an investigation and allowing a fair hearing for all parties, confidentiality cannot be guaranteed. Reports will be distributed only to persons having a need or right to know. No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of actual or potential workplace violence or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resource Director.

Haywood County will take appropriate disciplinary action, up to and including termination of employment, when a bad faith and/or intentionally false accusation of harassment occurs.

Reporting Responsibilities

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence. All reports of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

County Responsibility

The County shall:

- Develop a comprehensive training module and other awareness materials through the Human Resource Department and the County Safety Committee.
- Human Resources will provide resources to employees through the Employee Assistance Program (EAP) and the Safety Committee critical incident stress debriefings for employees related to trauma and victimization.

Office/Agency/Department Responsibilities

The Office/Agency/Department Director shall create and maintain a workplace designed to prevent and manage workplace violence. This shall be done by developing a comprehensive workplace violence prevention and management program. Each workplace violence program shall, at a minimum include the following:

- Developing a policy statement establishing that workplace violence is prohibited

- Designating a coordinator to be responsible for the overall implementation of a workplace violence prevention and management program. The coordinator may choose to establish a crisis management team approach or develop their own system that identifies and mobilizes appropriate consultative resources.
- Developing and implementing a written workplace violence prevention and management plan including:
 - A process for disseminating the Office/Agency/Department's workplace violence policy to new and existing employees
 - A procedure for employees and supervisors to report violations of the Office/Agency/Department's workplace violence policy
 - A procedure for investigating a report of a violation of this policy including a description of Office/Agency/Department preparedness and precautionary measures to be taken in responding to acts or threats of violence,
 - A procedure for providing instruction to all employees, regarding proper response to acts or threats of violence,
 - A procedure for reporting, collecting and maintaining information regarding incidents of workplace violence, and
 - A procedure for facilitating critical incident stress debriefings for employees who have been affected by an event related to trauma and victimization.

Section 16.

Unlawful Workplace Discrimination

Purpose

The purpose of this policy is to establish that Haywood County strictly forbids Unlawful Workplace Discrimination of County employees and to require that every Office/Agency/Department ensures that all County worksites are free from this type of behavior and practices. This policy also prohibits retaliation against employees. Haywood County has a **zero tolerance** for Unlawful Workplace Discrimination.

Policy

The policy of Haywood County is that no county employee may engage in conduct that falls under the definition of unlawful workplace discrimination as indicated below. All employees are guaranteed the right to work in an environment free from discrimination and retaliation.

This includes but is not limited to conduct (as well as oral, written, gestures, graphics or physical) directed against any person or group of persons because of race, color, religion, sex, national origin, military or veteran status, disability, age or any other characteristic protected by applicable law which has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating or hostile work environment for that person or group of persons. This type of conduct constitutes Unacceptable Personal Conduct and is subject to immediate disciplinary action up to and including termination of employment with the county.

Unlawful Workplace Discrimination of employees by supervisors or co-workers is forbidden in any form. Employees who witness or believe themselves to be the victim of discrimination are required to report it immediately to their supervisor or other management personnel or to the Human Resource Director.

Definitions

Unlawful Workplace Discrimination- is unwelcome or unsolicited speech or conduct based upon race, sex, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo- harassment consists of unwelcome sexual advances; requests for sexual favors, or other verbal or physical conduct when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kind of conduct included in the definition of sexual harassment are:

- Threats or intimation of sexual relations or sexual contact that is not freely or mutually agreeable to both parties
- Continual or repeated verbal references of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person; or propositions of a sexual nature.
- Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments or other conditions of employment may be adversely affected by not submitting to sexual advances or may be positively affected by submitting to sexual advances.
- Any unwelcome verbal comments, or non-verbal physical advances of a sexual nature, or non-sexual hostile or physically aggressive behavior, directed to an employee because of such employee's sex, which either (1) affects such employee's conditions of employment, (2) interferes with such employee's ability to perform his/her job or (3) creates an intimidating or hostile work environment.

Retaliation- is adverse treatment which occurs because of opposition to unlawful workplace discrimination.

Coverage

Former employee, full time or part time employee, with either a regular, probationary, trainee, time-limited permanent regular or temporary appointment

Responsibilities

The County Manager and the Human Resource Director are responsible for providing direction and support to staff and personnel in monitoring and enforcing the Unlawful Workplace Discrimination Policy. The Human Resource Director is responsible for communicating this policy, coordinating training, investigations of complaints, advising all parties in cases of alleged discrimination, monitoring procedures and serving as a resource to employees and managers.

Office/Agency/Department Directors must report all suspicions of discrimination to the Human Resource Director.

Office/Agency/Department Directors and Supervisors are responsible for maintaining a work environment free of all types of discrimination. They must directly communicate the County's refusal to tolerate offensive behavior. Office/Agency/Department Directors and Supervisors are in the best position to prevent discrimination by being aware of daily activities in their respective areas and by investigating situations as soon as there is reason to suspect a problem, by their statements, by their personal examples and by their sensitivity to interactions between subordinates such as off-color or offensive jokes or comments, sexually oriented or other offensive horseplay, or any actions or statements which are not in keeping with the Unlawful Workplace Discrimination Policy.

Employees are expected to treat other employees with respect and consideration realizing that standards of acceptable language and conduct are different for different people and that behavior which may be acceptable in a congenial social setting may be inappropriate in the work environment. Employees are expected to show good judgment in the area of relations between each other to avoid actions which violate another person's right to a workplace free of any kind of discrimination.

Grievance Procedure and Appeals

Grievant must submit a written complaint to the employing Office/Agency/Department Director or to the Human Resource Director within thirty (30) calendar days of the alleged discriminating action.

Employing Office/Agency/Department Director or Human Resource Director shall take appropriate remedial action within sixty(60) calendar days from receipt of written complaint unless the employing agency has waived the sixty (60) day period, and grievant has acknowledged such waiver. The waiver and acknowledgement shall be in writing.

The employing Office/Agency/Department Director or Human Resource Director shall provide a written response to the grievant when the agency has determined what action, if any, will result from the written complaint of the grievant. Office/Agency/Department grievance procedures shall include this responsibility.

After the agency's sixty (60) calendar day (or less if waived) response period has expired, the grievant may appeal directly to the County Manager within thirty (30) calendar days if not satisfied with the Office/Agency/Department Director or Human Resource Director's response to the complaint.

Reporting

Each Office/Agency/Department Director and the Human Resource Director is required to maintain and report unlawful workplace discrimination complaints through established grievance reporting mechanisms in the Personnel Policy Manual.

If addition, if an unlawful workplace discrimination complaint is settled between the grievant and the employing agency, the agency shall report to the Human Resource Director and the County Manager what disciplinary action and/or remedial action, if any, was taken by the agency. Disciplinary action, if appropriate can be up to and including dismissal.

Prevention Plan

Each Office/Agency/Department Director shall work with the Human Resource Director to develop an unlawful workplace discrimination prevention plan or policies and procedures to comply with and implement the law and rules pertaining to unlawful workplace discrimination. The workplace discrimination prevention plan or policies and procedures shall be included as part of the County's Equal Employment Opportunity (EEO) plan.

The plan shall set forth the steps to prevent and correct unlawful workplace discrimination. Each unlawful workplace discrimination plan shall at the minimum, include:

1. A policy statement, signed by the County Manager establishing that unlawful workplace discrimination or retaliation against employees is prohibited;
2. A process for disseminating to new and existing employees the unlawful workplace discrimination policy of the agency.
3. A statement that the Office/Agency/Department will, in allegations of unlawful workplace discrimination, review the totality of the circumstances, to determine whether the alleged conduct constitutes unlawful workplace discrimination.
4. Establishment of internal procedures to handle complaints of unlawful workplace discrimination. These procedures shall provide for:
 - a. Written complaint from employee to agency,
 - b. Grievant right to bypass any step in the applicable agency procedure involving review of or decisions by the alleged harasser,
 - c. Agency response with remedial action and notification to grievant within 60 calendar days (or less if waived) of receipt of written complaint or written waiver of 60 day period and acknowledgement thereof,
 - d. A clause detailing the prohibition against retaliation, and
 - e. A clause detailing an employee's concurrent right to appeal to the Equal Opportunity Commission (EEOC);
5. Training and other methods to prevent unlawful workplace discrimination;
6. Method for implementing appropriate disciplinary actions to address unlawful workplace discrimination and to assure that disciplinary actions shall be consistently and fairly applied; and
7. Prohibition of internal interference, coercion, restraint, retaliation, or reprisal against any person complaining of alleged unlawful workplace discrimination.

Section 17.

Separation, Disciplinary Action and Reinstatement

Types of Separation

All separations of employees from positions in the service of Haywood County shall be designated as one of the following:

- Resignation
- Reduction In Force
- Disability
- Retirement
- Dismissal
- Death

Reduction in Force

In the event that a Reduction In Force (RIF) becomes necessary, the County Manager together with the Office/Agency/Department Director(s) involved and the Human Resources Director shall determine the employee(s) affected by the RIF.

The Human Resource Director in coordination with the County Manager or his designee, shall determine and list all employees subject to the authority or control of the County Manager serving in the same class throughout the County who are on that date listed as temporary or probationary employees. Furthermore, said list shall include any position(s) which on that date is not filled or is being advertised within the same class which is affected by the RIF.

The Office/Agency/Department Director (s) involved, the Human Resources Director and the County Manager shall make their RIF decisions based on the following job-related factors:

- a. Department or organization needs;
- b. Performance and related issues;
- c. Critical job skills;
- d. Job redundancies; and
- e. Seniority.

No regular employee shall be separated while there are temporary or probationary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position (title, grade and pay) held by the temporary or probationary employee.

The Office/Agency/Department Director(s) involved shall make recommendations to the Human Resource Director and County Manager of the employees in their departments to be included in the RIF based on the factors set forth above.

The County Manager has the final authority to determine the employee(s) to be separated because of RIF, may consider the entire County work force, subject to his or her authority or control when making their decision.

An employee in a regular or regular-probationary position who is separated in accordance with these provisions may retain his/her sick leave balance and personal leave accrual rate upon separation for one year from the date of separation.

For reasons of curtailment of work or lack of funds, the County Manager may also mandate employee furloughs. This would entail the placement of an employee in a temporary non-pay status and non-duty status (or absence from duty) because of lack of work or funds, or for other non-disciplinary reasons.

Severance Pay Policy and Involuntary Termination during a Reduction in Force (RIF)

Involuntary termination occurs with the RIF of an employee due to lack of funds or elimination of the employee's position due to reorganization. If a RIF occurs, impacted employees may receive severance, in exchange for signing a written general release as follows:

- a. Regular full time and permanent part time employees who qualify for benefits under the Local Governmental Employees' Retirement System shall be paid the equivalent of one month's severance pay if they sign a written release.
- b. An employee receiving severance pay shall not be eligible for re-employment with the County for the number of weeks calculated in the severance payoff, unless repayment is made in advance of reemployment for any severance in excess of the period of actual separation from the County.
- c. When there is a RIF, employees who are age 40 and above must by law be given up to **45 days** to review and sign the severance agreement and 7 days after signing to revoke their signatures. Employees aged 40 and above do not have to use the full 45 days to read and consider the severance agreement; they can sign and return it as soon as they wish. The severance agreement will only become effective if an employee signs the agreement within the 45 day window, returns it to the County, and does not revoke his/her signature within the 7 days following signing the agreement. If the employee fails to return the signed agreement within the 45 day window, or revokes his/her signature within 7 days after signing, the employee will not receive any severance benefits. **Further, the severance agreement for these individuals must contain certain detailed information**, including the job titles and ages of all individuals eligible or selected for the (RIF) program and the ages of all individuals in the same job classification or organizational unit who are not eligible or selected for the (RIF) program. Employees under age 40 are subject by law, to different requirements pertaining to the severance agreement. They must sign and return the severance agreement within 2 pay periods of receiving the severance agreement. If they fail to do so, they will not receive any severance. They are not entitled to the detailed RIF information provided to older workers, as described above. They are not able to revoke their signature on the severance agreement once they have signed and returned it.
- d. Any severance agreements not signed and returned by the appropriate deadlines are therefore null and void (i.e. ineligible for payment).
- e. The following employees shall not be eligible for any severance payment:
 - Temporary employees
 - Any employee who is in a time-limited/grant-funded or contract positions.
 - Any employee for whom the County has arranged comparable employment with a non-County agency.
 - Any employee who declines an offer of comparable employment by the County prior to his/her date of separation.
 - Anyone given a reduction in hours rather than a job loss in the RIF.

Disciplinary Actions, Suspension and Dismissal Policy

It is the intent of the Haywood County Board of Commissioners in adopting this Personnel Policy Manual to provide for County employees and management a fair, clear and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling cases of unacceptable personal conduct. Any disciplinary action taken in accordance with this policy must be taken under one of the two following bases:

- discipline imposed on the basis of unsatisfactory job performance including gross inefficiency; and
- discipline imposed on the basis of unacceptable personal conduct

Covered Employees

This policy applies to employees that have attained Regular and/or Career Status as defined in this Personnel Policy Manual.

Regular and/or Career Status employees who have successfully completed their Probationary Period may be reprimanded, suspended, demoted or dismissed by the employee's Office/Agency/Director for reasons following the procedures set forth in this policy.

In most cases, the purpose of discipline is to instruct and correct rather than to punish. Except in circumstances involving serious breaches of conduct, or as otherwise provided in these policies, the employee should be given an opportunity to correct the problem. However, depending on the circumstances, an employee may be disciplined, reprimanded, suspended, demoted or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee. If you believe you are confronted with such a case, you should seek assistance from the Human Resource Director.

As stated in this Personnel Policy Manual, no cause or notice is required for termination of employees who are in their Probationary Period. However, it is strongly recommended that the immediate supervisor meet with the employee prior to the decision to dismiss to document and discuss the reasons behind the pending separation.

Definitions

Current Unresolved Incident- An act of unacceptable personal conduct, unsatisfactory job performance or dereliction of duties for which no disciplinary action has previously been taken by the Office/Agency/Department.

Disciplinary Demotions- A personnel action that:

- Lowers the salary of an employee within their current pay grade, or
- Places the employee in a position at a lower pay grade with or without lowering the employee's salary, and
- The action was involuntary, and
- The action taken was to discipline the employee

Disciplinary Suspension without pay- the removal of an employee from work for disciplinary reasons without paying the employee.

Dismissal- the involuntary termination of the employment of an employee for disciplinary reasons or for failure to obtain or maintain necessary job related credentials.

Dereliction of Duties- Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the work unit/agency/department; and the act or failure to act causes or results in:

- Death or serious bodily injury or creates conditions that substantially increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility.

Inactive Disciplinary Action- a disciplinary action becomes inactive, i.e. cannot be counted towards the number of prior disciplinary actions that must be received before further disciplinary action can be taken for unsatisfactory job performance when:

- The manager or supervisor notes in the employee's personnel file that the reasons for the disciplinary action has been resolved or corrected; or
- For performance-related disciplinary actions, the performance evaluation process documents a summary rating that reflects an acceptable level of performance overall and satisfactory performance in the area cited in the warning or other disciplinary action, or
- Eighteen (18) months have passed since issuance of the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the eighteen (18) months.

Insubordination- the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

Unacceptable Personal Conduct- an act that is:

- Conduct for which no reasonable person should expect to receive prior warning; or
- Job-related conduct which constitutes a violation of County, State or Federal law; or
- Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County; or
- The willful violation of known or written work rules; or
- Conduct unbecoming a County employee that is detrimental to County services; or
- The abuse of client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility for **OR** an animal owned by the County; or
- Absence from work after all authorized leave credits and benefits have been exhausted; or
- Falsification of a County application or in other employment documentation

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

Discipline for Criminal Charges-

Haywood County may also impose discipline when an employee's misconduct results in criminal charges that have the potential to negatively reflect upon and/or impact the County's ability to carry out its mission. Office/Agency/Department Directors will consult with the County Manager and the Human Resource Director regarding disciplinary/adverse action which may include but is not limited to suspension without pay while the charges are pending. The timing and nature of any disciplinary action may depend upon the nature of the charge(s) and/or the outcome of the criminal charges against the employee. Depending on the facts in each instance, disciplinary action (up to and including termination of employment) may occur prior to the criminal charges being fully processed in the courts.

The Basis for Disciplinary Action

General Provisions

There are two reasons for the discipline or dismissal of employees.

These two reasons are:

- Unsatisfactory job performance, including dereliction of duties, and
- Unacceptable personal conduct

Some actions by an employee may fall under both reasons. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

When can disciplinary action be taken?

When basis for discipline exists, any Regular and/or Career Status County employee, regardless of occupation, position or profession may be warned, demoted, suspended or dismissed by the appointing authority within their office/agency/department.

What type of disciplinary action can be taken?

The degree and type of disciplinary action taken shall be based upon the sound and considered judgment of the employing office/agency/department in accordance with this policy.

When a basis for discipline exists, the disciplinary actions that can be taken are:

- Written warning,
- Disciplinary suspension without pay
- Demotion, and
- Dismissal

Unsatisfactory Job Performance

Any work related performance problem may be a reason to discipline an employee for unsatisfactory job performance. This occurs when an employee fails to satisfactorily meet job requirements.

What is required before a disciplinary action for unsatisfactory job performance may be taken?

Before the disciplinary actions for unsatisfactory job performance may be taken, the following must occur:

Warning- Before a warning for unsatisfactory job performance the employee must have:

- A current unresolved incident of unsatisfactory job performance

Disciplinary Suspension Without Pay- Before a disciplinary suspension without pay for unsatisfactory job performance the employee must have:

- A current unresolved incident of unsatisfactory job performance; and
- At least one prior active warning or other disciplinary action for unsatisfactory job performance, or dereliction of duties, or unacceptable personal conduct; and
- A Pre-Disciplinary conference

Demotion- Before a demotion for unsatisfactory job performance the employee must have:

- A current unresolved incident of unsatisfactory job performance and
- At least one prior active warning or other disciplinary action for unsatisfactory job performance, or dereliction of duties, or unacceptable personal conduct; and
- A Pre-Disciplinary conference

Dismissal- Before a dismissal for unsatisfactory job performance the employee must have:

- A current unresolved incident of unsatisfactory job performance and
- At least two prior active warnings or other disciplinary actions for unsatisfactory job performance, or dereliction of duties, or unacceptable personal conduct; and
- A Pre-Disciplinary conference

DERELICTION OF DUTIES /UNACCEPTABLE PERSONAL CONDUCT

Disciplinary action for dereliction of duties may be taken when job performance is so unsatisfactory that it causes or results in death or serious injury to employees, members of the public or to persons for whom the employees have responsibility.

Disciplinary action for unacceptable personal conduct may be taken for intentional or unintentional acts. The conduct may be job related or off duty so long as there is a sufficient connection between the conduct and the employee's job. Insubordination is a type of unacceptable personal conduct.

What is required before a disciplinary action for dereliction of duties or unacceptable personal conduct may be taken?

Before a disciplinary action for dereliction of duties or unacceptable personal conduct may be taken:

Warning- Before a warning for dereliction of duties or unacceptable conduct the employee must have:

- a current unresolved incident of dereliction of duties or unacceptable personal conduct

Disciplinary Suspension without Pay- Before a disciplinary suspension without pay for dereliction of duties or unacceptable personal conduct the employee must have:

- a current unresolved incident of dereliction of duties or unacceptable conduct and
- A Pre-Disciplinary conference

Demotion- Before a demotion for dereliction of duties or unacceptable personal conduct the employee must have:

- A current unresolved incident of dereliction of duties performance or unacceptable personal conduct and
- A Pre-Disciplinary conference

Dismissal- Before a dismissal for dereliction of duties or unacceptable personal conduct the employee must have:

- A current unresolved incident of dereliction of duties or unacceptable personal conduct and
- A Pre-Disciplinary conference

Disciplinary Procedures

General Provisions

Supervisor's Role in Discipline

The supervisor has the duty to review and encourage satisfactory job performance by employees of their work unit. A supervisor also has the duty to address cases of unacceptable personal conduct.

Supervisor's Role in Warnings

In cases of unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee may receive. After the first unsatisfactory job performance warning, a supervisor may give additional written warnings or a higher level of disciplinary action.

The supervisor may give a written warning for dereliction of duties or unacceptable personal conduct. However, this policy does not require a written warning before management takes other disciplinary action in these types of cases.

Written Warnings

Contents of a Warning

All warnings shall:

- Be in writing and state that it is a warning
- Tell the specific conduct or performance that is the reason for the warning
- Tell the specific performance or conduct improvements that must be made
- Tell the time within the employee must show improved performance or conduct.
- Tell the consequences of failing to make the required improvements/corrections

Disciplinary Suspension without Pay

When can an employee be placed upon disciplinary suspension without pay?

An employee may be suspended without pay for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or without prior warning or disciplinary action for any form of unacceptable personal conduct or dereliction of duties.

Length of Time for Disciplinary Suspension

A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but may not be more than two work weeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but may not be for more than two full work weeks.

An Office/Agency/Department Director has the option of imposing the same periods of disciplinary suspension without pay upon all employees as long as the period is the same as that for employees exempt from the overtime compensation of the FLSA.

Procedure for a Disciplinary Suspension without Pay

Before an employee is placed on disciplinary suspension without pay, a supervisor must:

- Schedule and conduct a pre-disciplinary conference. The supervisor must give advance oral or written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
- Give the employee a statement in writing telling the acts or failure to act that is the reason for the suspension and telling the employee of their appeal rights.

Demotion

An employee whose work is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in another position. If such a demotion is to be made in accordance with the established procedures, the employee's pay and classification shall be affected accordingly to no less than the minimum of the new pay grade. The employee shall be provided with a written notice stating the recommended effective date of the demotion, the reason(s) for the demotion, and the appeal rights available to the employee as stated in the section of this Personnel Policy Manual with regard to Disciplinary matters.

If such a demotion is to be made for non-disciplinary reasons such as reorganization and changing County needs, it shall be termed as a "reassignment" and pay and classification may or may not be affected as determined by the Department Head and County Manager. The employee shall in this case be provided with written notice stating the recommended effective date of the reassignment and the reasons and details for the reassignment.

When can an employee receive a demotion?

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct. Before the decision to demote an employee for disciplinary reasons, the Office/Agency/Department Director must conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Personnel Policy Manual.

Unsatisfactory Job Performance

An employee may be demoted for a current incident of unsatisfactory job performance after the employee has received at least one prior warning or disciplinary action.

Dereliction of Duties

An employee may be demoted for dereliction of duties without any prior warning or disciplinary action.

Procedure for a Demotion

Before demotion of an employee, the Office/Agency/Department Director must:

- Schedule and conduct a pre-disciplinary conference. They must give advance oral or written notice of the conference to the employee. The notice must tell the employee of the type of disciplinary action (demotion) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
- Tell the employee if the demotion will change the employee's salary rate and/or pay grade and if so what change will occur in the salary rate and/or pay grade;
- Give the employee a statement in writing telling the acts or failures to act that are the reason for the demotion and telling the employee of their appeal rights.

Dismissal

When can an employee be dismissed?

Any employee may be dismissed. Dismissal may be a result of unsatisfactory or dereliction of duties or unacceptable personal conduct. Before the decision to dismiss for disciplinary reasons is made, the Office/Agency/Department Director must conduct a pre-disciplinary (dismissal) conference with the employee. The conference must be handled according to this Personnel Policy Manual.

Unsatisfactory Job Performance- An employee must have at least two prior warnings or other disciplinary actions or one of each before dismissal for a current incident of unsatisfactory job performance.

Dereliction of Duties – An employee may be dismissed for a current incident of dereliction of duties without any prior disciplinary actions.

Unacceptable Personal Conduct- An employee may be dismissed for a current incident of unacceptable personal conduct without any prior disciplinary actions.

Required Consultation

The supervisor recommending dismissal must discuss the recommendation with the appropriate Office/Agency/Department Director. The Human Resource Director should be consulted in this process. Upon approval by Office/Agency/Department Director, a pre-disciplinary conference shall be held with the employee.

Person Conducting the Pre-Disciplinary Conference

The person conducting the pre-disciplinary conference must have the authority to recommend or decide what, if any disciplinary action should be imposed on the employee.

Procedure for Disciplinary Conference

Before dismissal of an employee, a supervisor must:

- Schedule and conduct a pre-disciplinary conference. They must give advance written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action being considered (dismissal), the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
- The people that are a part of the conference are:
- The Supervisor or other person chosen by Office/Agency/Department Director to conduct the conference;
- A second management representative may be present at Office/Agency/Department Director's discretion
- The employee
- The Human Resource Director
- If the person conducting the conference chooses, security may be present
- No attorney shall represent either side at the conference

During the conference

During the conference, the person conducting the conference must:

- Give to the employee oral or written notice of the recommendation for dismissal including the specific reasons for the proposed dismissal and a summary of the facts supporting the dismissal recommendation
- Give the employee an opportunity to respond with information against the recommended dismissal and to offer facts that are different from those offered by management and offer facts in support of the employee's case. This Personnel Policy Manual does not give an employee the right to have witnesses at the conference.

Following the Conference

After the conference, management shall:

- Review and consider the response of the employee and make a decision on the recommended dismissal
- Not communicate the decision before the start of the next business day after the conference or after the end of the second business day following the completion of the conference
- If management decides to dismiss, the employee shall receive a written letter of dismissal either in person or by certified mail with return receipt requested.

The letter must include:

1. The reason/s for the dismissal
2. The effective date of the dismissal
3. The employee's right to appeal

The effective date of the dismissal shall be no sooner than the date of the written notice and no later than 14 calendar days after the written notice. When dismissal is for unsatisfactory job performance, management may give an employee pay in lieu of the 14 day notice or any part of that notice.

Failure to Follow Procedure

Failure to give written reasons for the dismissal, written notice of appeal rights, or to conduct a pre-dismissal conference is a procedural violation. If the Office/Agency/Department Director fails to follow procedure, the Office/Agency/Department Director shall be subject to the rules of the Governing Board dealing with procedural violations.

The time for filing a grievance as a result of the dismissal does not start until the employee receives a written notice of any applicable appeal rights.

Dismissal Letter-Public Information

If an employee is dismissed and appeals his/her dismissal through the Office/Agency/Department grievance procedures, the final Office/Agency/Department decision shall set forth the specific acts or omissions that are the basis of the employee's dismissal. In addition, the employee shall be informed in the final Office/Agency/Department decision letter that the final decision letter is a public record and that the Office/Agency/Department is required by law to release it pursuant to any public records request.

Special Provisions

Investigatory Placement with Pay

How do you place an employee on investigatory status?

Management must notify an employee in writing of the reasons for investigatory placement not later than the second scheduled workday after the beginning of the placement. An investigatory placement with pay may last no more than thirty (30) calendar days without written approval of extension by the Office/Agency/Department Director. When an extension beyond the thirty-day period is required, the Office/Agency/Department Director must advise the employee in writing of

the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by the Office/Agency/Department Director by the end of the thirty day period and no further extension has been granted, he/she must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision or an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

What are the reasons to place an employee on investigatory status with pay?

An employee may be placed on investigatory status with pay only:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- To provide time within which to schedule and conduct a pre-disciplinary conference; or
- To avoid disruption of the work place and/or to protect the safety of persons or property.

Credentials

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

Obtaining and Maintaining Credentials

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or dereliction of duties. An employee who fails to obtain or maintain legally required credentials may be dismissed without prior warning following a pre-disciplinary conference. An employee dismissed on this basis shall be given a written letter of dismissal with the specific reason for the dismissal and written notice of the right of appeal.

Falsification of Credentials

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with a County Office/Agency/Department disciplinary action shall be administered as follows:

- 1) If an employee was determined to be qualified and was selected for a position based on falsified work experience, education, registration, licensure or certification information that was a requirement of the position, the employee may be dismissed without prior warning following a pre-disciplinary conference. An employee dismissed on this basis shall be given a written letter of dismissal with the specific reason for the dismissal and written notice of the right of appeal.

- 2) In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken, but the severity of the disciplinary action shall be at the discretion of the Office/Agency/Department Director.
- 3) When credential or work history falsification is discovered before employment with a County Office/Agency/Department, the applicant shall be disqualified from consideration for the position in questions.

Right of Appeal

Every disciplinary action shall include notification to the employee in writing of any applicable appeal rights. There shall be no appeal from a first step written warning that does not impact pay or benefits unless the employee has grounds that the warning was given in a manner or for the purpose of violating the Federal or State law.

Section 18.

Personnel Records

Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resource Director. The County shall maintain in the personnel records only information necessary and relevant to accomplishing legitimate personnel administration needs. (See definition of Personnel File).

Information Open to the Public

The following information on each Haywood County employee is public information:

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

For the purpose of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by Haywood County. Requests by the

public to view such records must be made in accordance with Haywood County Public Records Policy.

Access to Personnel Records

As required by N.C. G.S. 153A-98, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County 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.

Confidential Information

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

- The employee or his/her duly authorized agent may examine and copy, upon a written request and reasonable notice, all portions of the employee's personnel file, except letters of reference solicited before employment.
- A Haywood County employee employed in Human Resources or having supervisory authority over the employee or other legitimate need to know may examine all material in the employee's personnel file and medical file.
- By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file and medical file.
- 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 or medical 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 an investigation of the employee's tax liability.

Releasing Confidential Information

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

A record shall be made of each disclosure (except disclosures to the employee and his or her supervisor) and the record shall be placed in the employee's file.

An Office/Agency/Department Director may, under the conditions specified, take the following action with respect to an applicant, employee or former employee employed by or assigned to that department, or whose personnel file is maintained in the department.

- In his/her discretion, the Office/Agency/ Department Director may allow the personnel file of such person or any portion thereof to be inspected and examined by any person or corporation when such Office/Agency/Department Director shall determine that inspection is essential to maintaining the integrity of such department or maintaining the level or quality of services provided by such department.

- Under the circumstances above, the Office/Agency/Department Director may, in his/her discretion, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of such applicant, employee, or former employee or other confidential matters contained in the personnel file.
- Provided that prior to releasing such information or making such file or portion thereof available as provided herein, such Office/Agency/Department Director shall prepare a memorandum setting forth the circumstances that the department has determined requires such disclosure, and the information to be disclosed, with a copy of the memorandum sent to the employee and the memorandum retained as a public record in the files of the Office/Agency/Department Director.

Records of former employees and applicants for employment

The provisions for access to records apply to former employees and applicants are the same as they apply to present employees. Personnel files of former County employees who have been separated from County employment for ten or more years may be open to inspection and examination for papers and documents relating to demotions and to disciplinary actions resulting in the dismissal of the employee.

Remedies of employees objecting to material in files

An employee who objects to material in his/her file may place a statement in the file relating to the material to which the employee objects. Any employee may seek the removal of inaccurate or misleading material in his/her personnel file in accordance with the grievance procedure of the County including appeal to the Haywood County Manager. The decision of the Haywood County Manager is final in any such appeal.

Penalty for Permitting Access to Confidential File by Unauthorized Persons

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 an amount not to exceed five hundred dollars (\$500.00).

Destruction of Records

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with N.C. G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in N.C. G.S. 132-3.

ARTICLE VIII: HAYWOOD COUNTY HEALTH AND RETIREMENT BENEFITS

Section 1.

Group Health Insurance Plan

Haywood County shall make available to all regular status employees medical insurance coverage. To be eligible an employee must be scheduled to work at least twenty (20) hours of work per week in an approved budgeted part-time position. Employees shall be enrolled in the program in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of thirty (30) to fifty-nine (59) days.

Example:

Employee hired June. 1. Coverage will be effective on July 1.

Employee hired on June 2. Coverage will be effective on August 1.

Any regular part-time employee will pay for health coverage on a pro-rata basis.

Deductions shall be allowable at the option of the employee in order to provide medical coverage for dependents in accordance with the provisions of the insurance contracts.

Under the Consolidated Omnibus Reconciliation Act (COBRA), health benefits may be continued after termination of employment at the employee's expense. Health insurance coverage must be extended for eighteen (18) months if the following applies:

- Employment is terminated (unless termination is due to gross misconduct); or
- Hours worked are reduced causing the employee to be ineligible under the terms of the plan

Coverage for dependents at the employee's expenses may be extended for thirty-six (36) months if their coverage is terminated due to:

- Death of covered employee
- Divorce or legal separation
- Employee's entitlement to Medicare; or
- A dependent child ceasing to be a dependent under the terms of the plan

The County will continue to provide health insurance coverage for employees who retire from County service on a pro-rata basis.

Section 2.

Unemployment Compensation

Haywood County employees who are dismissed from County service may apply for unemployment compensation through the local office of the NC Department of Commerce-Division of Workforce Solutions formerly the Employment Security Commission. Eligibility for unemployment compensation will be determined by the NC Department of Commerce-Division of Workforce Solutions.

Section 3.

Old Age and Survivors Insurance (Social Security)

Haywood County to the extent of its lawful authority and power shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act. The federal Social Security program provides monthly benefits upon retirement with full benefits available at age sixty-five (65) based upon age.

Section 4.

Retirement Benefits Including a Death Benefit

Each employee in a budgeted position working a minimum of 1,000 hours per year will be enrolled in the Local Government Employees' Retirement System to be effective immediately. Employees contribute through payroll deduction, six (6) percent (approx) of their gross pay each month to the retirement system. Haywood County contributes an actuarially determined percentage of the gross payroll each month to the system on behalf of the participating employee.

If an employee dies while still in active service (while being paid) after one year as a contributing member, his or her beneficiary(s) will receive a single lump sum payment. The payment equals the highest twelve (12) months of pay in a row during the twenty-four (24) months before the employee died, but will be no less than \$25,000.00 and no more than \$50,000.00. This benefit is also paid if you die within 180 days of the last day for which you were paid wages. It is in addition to any other benefits to which you may be entitled.

Section 5.

Group Life Insurance

Haywood County shall make available to all regular employees group life insurance coverage. The coverage is in the amount of \$20,000.00 for employees under age 70 and \$10,000.00 for employees age 70 and over (with double-indemnity in case of accidental death or dismemberment). The premium for this coverage is paid in full by the County through the contracted life insurance company. Effective dates for coverage will be the same as medical coverage. These amounts are subject to change depending on annual reassessment of County budget.

Section 6.

Law Enforcement Officer's Separation Allowance

Haywood County shall provide a special separation allowance to qualified officers who retire early or who leave service early and who meet all of the following qualifications:

1. The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service.
2. The officer must not yet be age sixty-two (62).
3. The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer:

1. Reaches age sixty-two (62).
2. Dies or

3. Is re-employed in any capacity by the state of North Carolina or any of its political subdivisions.

Section 7.

Hazardous Duty Pay for Sworn Law Enforcement Officers

Each sworn law enforcement officer will receive a percentage of their gross annually pay designated as Hazardous Duty pay. This percentage rate will be determined each year depending on available funding. Payment of Hazardous Duty Pay will be made in the employee's anniversary month and will be paid with the last payroll check received in the anniversary month.

Section 8.

Worker's Compensation Benefits

All employees are covered by the North Carolina Worker's Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury so that appropriate action may be taken once.

During the first five consecutive working days following a job-related injury, Haywood County will continue to pay the employee's weekly pay. However, to be compensated for the first five days the employee must use accrued sick leave during this time. On the eighth calendar day following the injury, the employee will become eligible to receive worker's compensation payments equal to two-thirds of his/her weekly earnings but no more than the maximum weekly pay set by the North Carolina Industrial Commission and will be removed from the county roster for payroll purposes.

It may be necessary to terminate the employment of an employee who is determined medically to be unable to return to work because of his/her injury. This determination shall be made following a formal evaluation of his/her case including a medical examination at the County's expense performed by a physician of the County's choice. If an employee does not return to work because of medical reasons he or she may be eligible to retire under the provisions of disability retirement.

If the employee becomes able to return to work, he/she may apply for any vacant Haywood County positions for which he/she is qualified and receive priority consideration over other qualified candidates. He/she may be required to undergo a medical examination before returning to work.

Smallpox Policy regarding Worker's Compensation

On December 31st, 2002, the President of the United States formally announced a voluntary national smallpox vaccination program to strengthen the ability of the United States to protect itself from a smallpox attack. The State of North Carolina passed Session Law 2003-169 for Adverse Reactions to Smallpox Vaccinations. As such, the Worker's Compensation Act provides explicitly that infection with smallpox, infection with vaccinia (the virus in the smallpox vaccine) and any other adverse reaction caused by smallpox experienced as a result of the course and scope of employment is an occupational disease within the meaning of the Worker's Compensation Act.

As a result of the above, Haywood County adopts the following:

- a. Smallpox vaccinations will be taken on a voluntary as-needed basis, free of charge to employee and the employee will successfully participate in whatever training is deemed appropriate by Haywood County to enable them to respond to a public emergency. Each

- employee who agrees to be vaccinated shall be counseled on the risk of adverse side effects.
- b. Infection from smallpox due to workplace exposure, infection with vaccinia, or any adverse medical reaction when the infection or adverse reaction due to the employee receiving vaccination against smallpox within the course and scope of employment shall be considered an occupational disease under the Worker's Compensation program and shall be treated in the same manner as any other Worker's Compensation illness or injury which meets the definition of occupational disease of the Worker's Compensation Act of North Carolina.

Section 9.

Employee Assistance Program/Network (EAP/EAN)

Haywood County provides an Employee Assistance Program (EAP) to all employees and immediate family members through the Employee Assistance Network (EAN). This program is to help in resolving family problems, alcoholism, marriage difficulties, financial trouble, stress, drug use or addiction, depression and other problems.

Referrals to the EAP program may be made as follows:

Self -Referral- Employee self elects to seek assistance in problem solving

Management Recommendation- Recommendation will be made by Supervisor and/or Office/Agency/Department Director to assist in dealing with a personal or job related issue that is affecting the employee's performance.

Mandatory Referral- When the Supervisor and/or Office/Agency/Department Director in consultation with the Human Resource Director identifies a significant performance problem or policy violation (i.e. positive drug screen where appropriate or a critical incident). In these types of situations, an employee may be required to participate in a mandatory referral for improvement of performance or behavior. Supervisor and Office/Agency/Department Director must inform the Human Resource Director of any and all mandatory referrals made to the Employee Assistance Program prior to the employee's first session. The Human Resource Director is available to provide guidance with documentation and set up of this process

Section 10.

Benefits-Flexible/Optional

Additional deductions of benefits may be allowed at the option of the employee under the provisions of the insurance contracts and their cost may be deducted from the employee's pay as follows:

- Credit Union
- Deferred compensation plans authorized by Section 457 of the Internal Revenue Code such as employee contributions to 401-K or NACO to provide supplemental long-term retirement planning
- Flex Plan authorized by Section 125 of the Internal Revenue Code-to allow employees to spend pre-tax dollars on employee paid insurance premiums, supplemental insurance as well as medical or dependent care flexible spending accounts
- United Way contributions

- Child Support payments
- Pre-Paid Legal policies
- Haywood Regional Fitness Center
- Additional ancillary benefits such as but not limited to- Short-Term Disability, Long-Term Disability, Accident Plans, Vision Care, Cancer Plans, Critical Care and additional Life Insurance plans for employees and/or spouse/child at group rates and eligibility

Section 11.

Retirement Benefits

As the employer, Haywood County provides the following additional benefits to employees:

North Carolina Supplemental Retirement (401-K) for Law Enforcement Officers

All law enforcement officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

North Carolina 401-K Plan, Supplemental Retirement Income Plan

Haywood County provides an automatic contribution by the employer for all employees of the Local Governmental Employee's Retirement System. The amounts will be determined in the annual budget ordinance adopted by the Haywood County Board of Commissioners. Employee participation in this plan is optional.

Health Insurance for Retired Commissioners

The County shall make available to County Commissioners medical insurance in accordance with S.L. 2009-564 which amends G.S. 153A-93 permitting counties to provide health insurance to retired commissioners as long as the commissioner has the requisite ten (10) years of service with the county before the separation of service. Health insurance will not be offered to commissioners that are not in office as of the stated effective date of October 1st, 2009 for S.L. 2009-564. Service time does not have to be consecutive terms. Credit for service time as a commissioner shall be retroactive to October 1st, 1999. The health insurance plan will be paid in full by the County for commissioners that meet the requirements of the session law. Years of service will not be credited for time served in another position with the County or any other governmental Office/Agency/Department; the ten (10) years shall only be credited for service as a commissioner to receive the health insurance benefit.

County Employee Hospitalization Insurance after Retirement:

If the employee retires with thirty (30) years of service in the North Carolina State or Local Government Retirement System with a minimum of seven (7) years continuous Haywood County service immediately preceding the retirement, full benefits will be available to the employee. At the time of the retirement, the employee must be enrolled in the Haywood County insurance plan. The employee will be eligible for 100% medical coverage up until age 65 at which time, the employee will need to submit a Medicare Supplement application.

Retire with fewer than 30 years of service (including sick leave) and the following table will apply:

Minimum Age 50 to 59:

Years of Service	Percentage of Years/ Employer Rate	Employee Rate
20	67%	33%
21	0%	30%
22	73%	27%
23	77%	23%
24	80%	20%
25	83%	17%
26	87%	13%
27	90%	10%
28	93%	7%
29	97%	3%
30	100%	0%

Retire with fewer than 30 years of service (including sick leave and the following table will apply:

Minimum Age 60 to 64:

Minimum of 5 years of service and up to 14 years	Employee pays 100%
Minimum of 15 years of service and up to 19 years	Employee pays 33%
Minimum of 20 years of service and up to 30 years paid by employee* (Age 50 schedule)	*See above table for percentage

Supplement to Medicare:

Minimum Age 65 (unless waived by Social Security/Medicare due to disability) within 60 days of eligibility

Minimum of 5 years of service and up to 19.9999 years	Employee pays 50%
Minimum of 20 years of service and up to 29.9999 years	Employee pays 33%
Minimum of 30 years of service	Employee pays 0%

Note: Employee pays full premium for allowable dependents coverage until age 65. New dependents cannot be added at time **OR** after retirement. Departments must notify the Haywood County Manager's office prior to hiring an employee with prior local or State Government experience.