

PERSONNEL ORDINANCE

**WARREN COUNTY
NORTH CAROLINA**

UPDATED

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MASTER INDEX

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ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

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- Section 3. Definitions
- Section 4. Merit Principle
- Section 5. Responsibility of Board of Commissioners
- Section 6. Responsibility of County Manager
- Section 7. Responsibility of Personnel Officer

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this ordinance is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible workforce. This ordinance is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

Section 2. Coverage

- (a). All employees in the county's service shall be subjected to this ordinance, except as provided in this section.
- (b). The following officials and employees are exempt:
 - (1) Elected Officials
 - (2) County Manager
 - (3) County Attorney
 - (4) Any other officials and employees that are exempt by law
- (c) The following employees shall be covered only by the specifically designated Articles and Sections:
 - (1) Employees of the North Carolina Cooperative Extension Service shall be subject to all Articles except Articles II, III, IV, and IX.
 - (2) The Supervisor of Elections shall be subjected to all Articles except Articles IV, VII, and VII.
 - (3) Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles except Articles III, Section 12, Articles VI and IX.

Section 3. Definitions (Listed Alphabetically)

- (a) **Adverse Action.** A demotion, dismissal, reduction in pay, layoff or involuntary transfer or suspension.
- (b) **Appointing Authority.** Any board or position with legal or delegated authority to make hiring decisions.
- (c) **Class.** A position or group of positions having similar duties and responsibilities requiring similar qualification, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.
- (d) **Competitive Service Employee.** An Employee of the Department of Social Services, Department of Public Health, or Office of Emergency Management receiving federal grant-in-aid funds and is subject to the State Personnel Act.

- (e) Demotion. The reassignment of an employee to a position or classification having a lower salary than the position from which the reassignment is made.
- (f) Full-time Employee.
 - (1) Regular - An employee, appointed to a permanently established position, who is regularly scheduled to work twenty (20) hours or more per work week and is designated by the Board of Commissioners as regular full-time.
 - (2) Temporary - An employee, appointed to a temporarily established position, who is regularly scheduled to work twenty (20) hours or more per week and is designated by the Board of Commissioners as temporary full-time.
- (g) General County Employee. A County employee assigned to a department not subject to the State Personnel Act.
- (h) Grievance. A claim or complaint based upon an event or condition which effects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment.
- (i) Hiring Rate. The salary paid an employee when hired into County Service
- (j) Maximum Salary Rate. The maximum salary authorized for an employee within an assigned salary grade (the last step within a grade.)
- (k) Part-Time Employee.
 - (1) Regular Part-time Employee - An employee appointed to a permanently established position, who is regularly scheduled less than the normal 37.5 hours per week (where applicable), and is designated by the Board of Commissioners as regular part-time.
 - (2) Temporary Part-time Employee - An employee appointed to a temporarily established position, who is regularly scheduled less than the normal 37.5 hours per week (where applicable), and is designated by the Board of Commissioners as temporary part-time.
- (l) Pay Plan. A schedule of pay ranges systematized into sequential rates including minimum, intermediate, and maximum steps for each class assigned to any given salary range.
- (m) Permanent Position. A position which has been approved by the Board of Commissioners, and in which the duties and responsibilities are required to be attained on a continuous and annually recurring basis, normally requiring full-time employment of an individual. Exceptions to full-time employment are where the recurring duties and responsibilities of a permanent position can be attended in less than a regular workday and/or workweek.

- (n) **Position.** A group of current duties and responsibilities, assigned by competent authority, requiring the full or part-time employee of one person, but the existence of a position or its identity does not depend upon its being occupied by an employee.
- (o) **Position Classification Plan.** An approved plan by the Board of Commissioners that assigns classes (positions) to the appropriate pay grade.
- (p) **Probationary Employee.** A person appointed to a permanent position who has not completed the probationary period. (See Article IV, Section 9).
- (q) **Probationary Period.** The required period of time an employee serves before obtaining regular status when entering County service.
- (r) **Promotion.** The reassignment of an employee to an existing position or classification in the county service having a higher salary range than the position or classification from which the reassignment is made.
- (s) **Range Revision.** When one or more salary grades are assigned a different minimum and/or maximum salary range; or when a classification(s) is assigned a new pay grade.
- (t) **Reclassification.** The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill, and responsibility of the work performed. This could be at a higher, lower or same pay grade.
- (u) **Regular Employee.** An employee who has successfully completed the probationary period and has been approved for permanent status by his/her Department Head and County Manager.
- (v) **Salary Grade.** All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words "grade", "salary range", "level", and "range" are used interchangeably.
- (w) **Salary Plan Revision.** The uniform raising and lowering of the salary ranges of every grade within the salary plan.
- (x) **Salary Range.** The hiring, minimum and maximum salary for a given classification.
- (y) **Salary Range Revision.** The raising or lowering of the salary range for one or more specific classes of positions within the classification plan.
- (z) **Salary Schedule.** A listing by grade and step of all the approved hiring, maximum, intermediate and minimum salary ranges authorized by the Board of Commissioners for various positions classifications of County government.
- (aa) **Temporary Employee.** A person appointed to serve in a position for a definite duration, but not to exceed one (1) year. (Employee not subject to participation in benefit programs).

- (bb) Temporary Position. A position which the duties and responsibilities are required to be attended for a specific short period of time, normally not to exceed twelve (12) months and may or may not require attendance by a person for a full workday and/or workweek.
- (cc) Trainee. An employee designated as such, appointed to a position in any class for which the County Manager or the Office of State Personnel has authorized "trainee" appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class, and must be appointed to be regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.
- (dd) Transfer. The reassignment of an employee from one position or department to another.
- (ee) Work Against. When qualified applicants are unavailable, and there is no trainee provision for the classification of the vacancy, the appointment authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class, and for the position in question.
- (ff) Workweek. Full-time employees eligible for overtime compensation will normally work no more than five (5) eight (8) hour days per week, except that law enforcement personnel will follow a weekly work schedule established by the sheriff. Exempt department heads will work those hours necessary to assure the satisfactory performance of their departments. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.
- (gg) Work Period. The deputies of the Warren County Sheriff's Department shall operate on a twenty-eight (28) day, one hundred and seventy-one hour (171) work period. This will consist of a rotating work schedule, utilizing up to twelve (12) hours per work shifts.

Section 4. Merit Principle

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

Section 5. Responsibility of Board of Commissioners

The Board of Commissioners shall establish personnel policies and rules, including the classification and pay plan and shall make and confirm appointments when so specified by law.

September 22, 1999

AMENDMENT TO THE WARREN COUNTY PERSONNEL ORDINANCE

The purpose of this amendment is to change the wording in Article I - Organization of Personnel System, Section 6, which reads:

The County Manager shall appoint, suspend and remove all county officers and employees, except those elected by the people or whose appointment is otherwise provided for by law. The county manager shall make appointments, dismissals, and suspensions in accordance with 153A-82 of the General Statutes of the State of North Carolina and Articles IV, V, VII and VIII of the personnel ordinance.

Section 6, Article I should read:

The county manager shall appoint, with the approval of the board of commissioners and suspend or remove all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided for by law. The board may by resolution permit the manager to appoint officers, employees, and agents without first securing the board's approval. The manager shall make his appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the board may adopt.

Section 6. Responsibility of County Manager

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

Section 7. Responsibility of Personnel Officer

The County Manager may appoint a Personnel Officer who shall assist the preparation and maintenance of the position classification plan and the pay plan, and perform such other duties in connection with a modern personnel program as the Manager shall require. If the County Manager does not appoint a Personnel Officer all of the following duties and responsibilities shall be performed by the County Manager or such employee that is under his/her direct and close supervision. The duties and responsibilities of the Personnel Officer are, but not limited to, the following:

- a. Apply, interpret, and carry out this Ordinance and the policies adopted thereunder, as directed by the County Manager;
- b. Establish and maintain records of all persons in the County service, setting forth each officer and employee, class title of position, pay or status history and other relevant employment data;
- c. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the county;
- d. Encourage and exercise leadership in the development of effective personnel administration within the various county departments, and to make available the facilities of the personnel office to this end;
- e. Investigate, from time to time, the operation and effect of this Ordinance and of the policies made thereunder, and report his/her findings and recommendations to the Manager;
- f. Make such recommendations to the Manager regarding the personnel functions, as well as revisions to the personnel system, as he/she may consider appropriate;
- g. Issue and publish any necessary administrative directives, supplements, interpretations, and necessary prescribed forms and reports for any personnel matters for the proper functioning, maintenance, and documentation of the procedures established by and in accordance with this Ordinance.

All matters dealing with personnel shall be routed through such official, who shall maintain a complete system of personnel files and records.

ARTICLE II. CLASSIFICATION PLAN

- Section 1. Adoption
- Section 2. Allocation of Positions
- Section 3. Administration of the Position Classification Plan
- Section 4. Amendment of Position Classification Plan

Article II. Classification Plan

Section 1. Adoption

The position classification plan, as from time to time approved by the Board of County Commissioners, is hereby adopted as the position classification plan for Warren County.

Section 2. Allocation of Positions

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

Section 3. Administration of the Position Classification Plan

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

New positions shall be established only with the approval of the Board of Commissioners after which the County Manager shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) 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 finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Section 4. Amendment of Position Classification Plan

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

ARTICLE III. THE PAY PLAN

- Section 1 . Adoption
- Section 2. Maintenance of the Pay Plan
- Section 3. Administration of Pay Plan
- Section 4. Payment at a Listed Rate
- Section 5. Salary of Trainee
- Section 6. Pay Rates in Promotion, Demotion, Transfer, and
Reclassification
- Section 7. Pay Rates in Salary Range Revisions
- Section 8. Pay for Part-Time Work
- Section 9. Overtime
- Section 10. Call Back Pay
- Section 11. Payroll Deductions
- Section 12. Payroll Procedure
- Section 13. Effective Date of Salary Adjustments.

ARTICLE III. THE PAY PLAN

Section 1. Adoption

The Salary Schedule, reflecting both grade level and step, as approved by the Board of County Commissioners, is hereby adopted as the pay plan for Warren County.

Section 2. Maintenance of the Pay Plan

The County Manager shall be responsible for the administration and maintenance of the 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 sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the County, and other factors. To this end, the County Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the County Commissioners such changes in salary ranges as appear to be warranted.

Section 3. Administration of the Pay Plan

The pay philosophy of Warren County shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, maintain proper internal relationships among all positions, based on relative duties and responsibilities, 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 evaluation system designed to facilitate fair and equitable merit pay decisions must meet the needs of both management and employee.

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

- X a. **Hiring Rate/Starting Salary.** All employees will be hired at the hiring rate of their assigned salary grade. Appointments above the hiring rate may be made by the County Manager when deemed necessary in the best interest of the County, and will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the class, a shortage of qualified applicants available at the hiring rate, and the refusal of qualified applicants to accept employment at the minimum step. Any appointment above 10% of the hiring rate must be approved by the Board of Commissioners. Upon satisfactory completion of the six month (6) probationary period as a regular employee, said employee will be elevated to Step 1 of the salary schedule.
- b. **Progression in Job Rate.** Upon completion of three (3) years of satisfactory service as a regular employee, the employee will be elevated to Step 2 of the salary schedule. Thereafter, upon satisfactory job performance employee will be elevated a step in salary grade every other fiscal year.

- c. **Failure to Perform Satisfactorily.** An employee failing to perform satisfactorily, whether during the probationary period or advancement through steps will be denied his/her scheduled salary increase. Appropriate disciplinary action will be taken by the Department Head in accordance with Article VII of this Ordinance. Employees who have advanced to the Step 4 will be required to perform at a level no less than satisfactory or will be subject to disciplinary action.

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

Section 4. Payment at a Listed Rate

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

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

- a. the position is reclassified;
- b. the employee is promoted to another position with a higher salary range, or;
- c. the salary for the present position is increased.

Section 5. Salary of Trainee

An applicant hired, or employee promoted to a position in a higher class who does not meet all the established requirements of the position, shall be appointed with the approval of the County Manager at a pay rate of one (1) step below the minimum salary. Employees subject to the State Personnel Act will be designated "Trainees" in accordance with rules and regulations established by the Office of State Personnel. All other county employees shall be designated "Trainees" based upon recommendations of the Department Head with the approval of the County Manager. An employee in a trainee status shall continue to receive a reduced salary until the appointing Department Head and the County Manager shall determine that the trainee is qualified to assume the full responsibilities of the position.

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

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

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

rate, his/her salary may be adjusted one step upward or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

- b. When a demotion occurs, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary may remain the same until general schedule adjustments or range revisions bring it back within the lower range; or the employee's salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. Action of the above shall be the responsibility of the Department Head and the County Manager.
- c. When a transfer occurs from a position in one class to a position in another class, assigned to the same pay range, the employee shall continue to receive the same salary.
- d. When a reclassification occurs, the employee whose position is reclassified to a class having a higher salary range shall be increased to the minimum step of the new pay range. If the employee's current salary is already above the minimum salary rate, his/her salary may be adjusted one step upward or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Section 7. Pay Rates in Salary Range Revisions

When the Board of Commissioners approves a change in salary 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 one step pay increase or an increase to the minimum step of the new range, whichever is higher.
- b. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such a time as the employee's pay range is increased above the employee's current salary.

Section 8. Pay for Part-Time Work

Compensation of any employee appointed for less than full time service shall be computed on an hourly basis. These employees will receive the same holidays as the regular employees provided they work a full, regularly scheduled workday before and after the holiday. Said employees will be covered by Workers' Compensation and Social Security, but will receive no additional fringe benefits unless other arrangements have been made through the County Manager.

Section 9. Overtime

It is the policy of Warren County to abide by all applicable sections of the Fair Labor Standards Act, along with the Fair Labor Standard Amendments of 1985. Under such implementation, Warren County will properly record all applicable overtime accrued for each covered employee.

This policy shall be applicable to all employees of Warren County who are covered under the provisions of the Fair Labor Standards Act. Its intention is to assure good faith compliance with such Act to the extent applicable to Warren County.

- a. Employees are expected to work during all assigned periods exclusive of bona fide breaks, mealtimes or unscheduled hours, etc. Employees are not to perform work during such non-work breaks, mealtimes, or unscheduled hours unless they receive approval from their immediate supervisor, except in cases of extreme emergency.

An extreme emergency exists when an employee is called upon to perform work for Warren County that could result in damage to property or persons, or which requires immediate attention of the employee which cannot possibly be postponed. Employees who work excess hours due to an emergency shall properly advise their immediate supervisor of the overtime worked as soon as practical for final approval or disapproval.

- b. It is the policy of Warren County, in agreement with its employees, that employees may receive compensation time off at a rate of not less than one and on-half hours for each hour of employment for which overtime compensation is required under the Fair Labor Standards Act.

Covered employees who work in public safety activities, emergency response activities, or seasonal activities, may accrue not more than 480 hours of compensatory time for overtime hours worked after April 1, 1988. Other covered employees may accrue not more than 240 hours of compensatory time for overtime hours worked after April 15, 1988.

Employees requesting to use accrued compensatory time must make a specific request in writing 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 Warren County.

- c. Under limited circumstances, employees of Warren County who work in the same capacity may, at their option, substitute work hours as long as such substitute has prior approval by the supervisor(s) of each employee involved. It is understood that overtime hours generated as a result of such substitutions shall be excluded from the calculation of hours for overtime purposes.
- d. Deputies of the Warren County Sheriff's Department shall be paid overtime in the following manner: When an employee shall be required to work more than 171 hours within the normal 28 day work period, he shall be eligible for overtime pay. Such overtime pay shall be reflected in the employees next regular paycheck at a rate of time and a half.

Section 10. Call Back Pay

Any employee eligible to receive overtime compensation under this policy will be guaranteed a minimum payment of two (2) hours wages for being called back to work outside of normal working hours.

Section 11. Payroll Deductions

Federal and State income taxes, Social Security Tax, and retirement contributions shall be payroll deducted as authorized by law and the County Commissioners.

Section 12. Payroll Procedure

All employees shall be paid on a semi-monthly basis, with the 15th and last calendar day of the month as the designated payday. If payday falls on a Saturday, Sunday or a holiday, employees will be paid on the last working day prior thereto.

Section 13. Effective Date of Salary Adjustments

Salary adjustments shall become effective on the first of the month when the adjustment occurs.

ARTICLE IV: RECRUITMENT AND EMPLOYMENT

- Section 1. Statement of Equal Employment Opportunity Policy
- Section 2. Recruitment - Responsibility of Personnel Officer
- Section 3. Job Advertisements
- Section 4. Application For Employment
- Section 5. Application Tracking
- Section 6. Qualified Standards
- Section 7. Selection
- Section 8. Appointments
- Section 9. Probationary Period Of Employment
- Section 10. Promotion
- Section 11. Demotion
- Section 12. Transfer

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity, and to identify and attract the most qualified applicants for all present and future vacancies. This intent is achieved through consistency in announcing all positions and evaluating all applicants on the same criteria. To avoid discrimination, equal employment opportunities are allowed without regard to sex, race religion, color, national origin, age, or physical handicap or disability.

Section 2. Recruitment - Responsibility of Personnel Officer

Upon determining the internal (employees within the department and then within the remaining general county) recruitment has been exhausted, the Personnel Officer shall be responsible for an active recruitment program to meet current and projected manpower needs, through procedures that will assure equal employment opportunities based on reasonable performance related job requirements. To accomplish this, the efforts of the Personnel Officer and all County Departments must be coordinated in a timely manner.

All positions announcements shall be posted for a minimum of seven (7) working days at (1) The County Courthouse, and (2) The Local Employment Security Commission, which have been designated as the two established referral sources. Recruiting publicity shall also be carried out through the media appropriate to the program.

Section 3. Job Advertisements

Recruiting announcements shall include information pertinent to the position/work involved, including at minimum, the title, starting salary, key duties, knowledge and skill requirements, minimum education and experience standard, contact person, special certification or licensing requirements, and application closing date. In addition, assurance of Equal Employment Opportunity Affirmative Action compliance's, as well as the County's commitment to comply with the Immigration Reform and Control Act of 1986, shall be contained therein.

Section 4. Application for Employment

The North Carolina State Application shall be the standard application accepted for any and all position listings under the State Personnel Act. All non-competitive agencies can utilize the County Application.

Section 5. Application Tracking

The County Manager's Office, the Personnel Officer, or responsible Department shall be responsible for maintenance of permanent records of all job announcements, including posting and

closing dates, all optional referral sources utilized during the recruitment process, and the specifics on the pool of applicants considered for each vacancy.

The specifics shall include an alphabetized listing of all applicants, social security numbers, and test scores, when applicable, for each and every job vacancy. To the extent that it is practical, reference to these records shall be made periodically in connection with the County's overall selection procedures, to insure that equal consideration is given to all qualified applicants.

Section 6. Qualified Standards

- a. All applicants considered for employment or promotion, shall meet the employment standards established by the class specifications relating to the position to which the appointment is being made.
- b. All appointments shall be made on the basis of merit and without regard to politics, age, race, sex, color, handicap, religious affiliation, or national origin.
- 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 class is granted a trainee status by the County Manager (County General Positions) and State Personnel (all positions subject to the State Personnel Act.)
- d. Work-Against Appointment (Competitive Service Employees Only). When qualified applicants are unavailable and there is no trainee provision for the vacant classification, an appointment may be made below the level of the regular classification in a work-against situation, for the purpose of allowing the employee opportunity to gain the qualifications needed for the full class, through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question.

Section 7. Selection

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

Section 8. Appointments

Prior to any job offers, the Department Head shall coordinate with the Personnel Officer and/or County Manager regarding the appointment. The personnel action form, the original application for employment, test score sheet, when applicable, and any additional supporting documents shall be forwarded to the Personnel Officer and/or County Manager. The County Manager shall approve or reject the appointment, and determine if the classification and starting salary is appropriate.

- a. If the duties of the position may involve operation of county owned/insured vehicles, the department head will initiate a review, at the time of employment, of the driving record of the person to be hired, which will become a part of the Personnel file.
- b. The Sheriff and Register of Deeds shall have authority over the appointment in their respective departments, with the County Manager determining the class and salary of new employees.
- c. By the authority of Chapter 153A-103 of the N.C. General Statutes, the Board of Commissioners must approve the appointment by the sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.
- d. Appointment of competitive service employees shall be in accordance with Article I, Personnel Policies for Local Government Employment subject to the State Personnel Act.

Section 9. Probationary Period of Employment

An employee appointed to a permanent position shall serve a probationary period of six (6) months (law enforcement one (1) year). Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 11 of this Article if unable to perform assigned duties of the new job satisfactorily.

No employee shall remain on probation for more than nine (9) months, except law enforcement who shall not serve in a probationary status for more than one (1) year.

Employees completing the probationary period in a satisfactory manner will be considered regular employees unless his/her Department Head (except the Sheriff and Register of Deeds) indicates in writing, for the County Manager's approval that the employee:

- (a) Is not performing satisfactory work;
- (b) Should have his/her probationary period extended (not to exceed nine(9) months);
- (c) Should not be retained in the present position or should be released, transferred or demoted;
or
- (d) Has been advised of their progress (accomplishments, strengths, and weaknesses).

Section 10. Promotion

Candidates for promotion shall be chosen on the basis of their qualifications and their work records without regard to age, sex, race, color, creed, religion, political affiliation, national origin, or physical handicap. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.

Vacancies in positions shall be filled as far as practical by the promotion of employees already in service with the County unless such action would be detrimental to the goals of the Affirmative Action Plan.

If a current county employee is chosen for promotion, the department head shall forward the request to the County Manager with recommendations for classification and salary along with reasons for selecting the employee over other applicants. After considering the Department Head's recommendation, the County Manager shall make or reject the appointment and, if appointed, determine the classification and starting salary.

Section 11. Demotion

Any employee whose work in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VII. Representative cause for demotion because of failure in work performance and failure in personal conduct are listed in Article VII, Sections 7 and 8.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee as stated in Article VIII of this Ordinance.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or failure in personal conduct.

Section 12. Transfer

If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be forwarded to the County Manager and/or Personnel Officer during the recruitment period for the position. The request for transfer shall be subject to approval of the County Manager. Any employee transferred without his/her having requested it, may appeal the action in accordance with the grievance procedure outlined in Article VIII.

Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

- Section 1. Workweek
- Section 2. Gifts and Favors
- Section 3. Political Activity Restricted
- Section 4. Outside Employment
- Section 5. Limitation of Employment of Relatives

ARTICLE V CONDITIONS OF EMPLOYMENT

Section 1. Workweek

The standard workweek for all employees of the various departments of the County, with the exception of law enforcement, emergency medical service personnel, and communications, shall be from 8:30 a.m. until 5:00 p.m., Monday through Friday. Department Heads shall work those hours necessary to ensure the satisfactory performances of their departments, but not less than thirty-seven and one-half (37.5) hours per week.

When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

Section 2. Gifts and Favors

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

Section 3. Political Activity Restricted

Every employee of Warren County has a civic responsibility to support god government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and Laws of the State of North Carolina and by the Constitution and Laws of the United States of America. However, while on duty, no employee of Warren County shall;

- (a) Engage in any political or partisan activity;
- (b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (c) Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;

- (d) Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- (e) Use funds, supplies, or equipment of the County for political or partisan purposes.

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

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

Section 4. Outside Employment

The work of the County will take precedence over other occupational interests of employees. all outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's Department Head, who in turn will report potentially conflicting employment to the County Manager. Conflicting outside employment may be deemed improper conduct and shall subject each employee to disciplinary action, up to, and including, dismissal.

Section 5. Limitation of Employment of Relatives

The employment of close relatives within the service of the County, within the same department or unit/section of a department, at the same time, is to be avoided.

- (a) Two (2) members of an immediate family shall not be employed within the same department or unit/section of a department if such employment will result in one supervising a member of his/her immediate family, or where one member occupies a position which has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.
- (b) The term "immediate family" shall be understood to refer to that degree of closeness of relationship which would suggest that problems might be created within the work unit, or that the public's philosophy of fair play in providing equal opportunity for employment to all qualified individuals would be violated. For the purpose of this section, "immediate family" shall be defined as wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchildren, and grandparents, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named herewith.
- (c) The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above, prior to the adoption of this policy.
- (d) The Board of Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin as required by Chapter 153A-103(1) of the North Carolina General Statutes.

ARTICLE VI. LEAVE OF ABSENCE

- Section 1. Paid Holidays Observed
- Section 2. Effect of Work on Holidays and Other Types of Paid Leave
- Section 3. Holidays - When Work Required
- Section 4. Adverse Weather Conditions - Leave Policy
- Section 5. Annual Vacation Leave
- Section 6. Vacation Leave - Initial Appointment Probationary Employees
- Section 7. Vacation Leave - Manner of Accumulation
- Section 8. Vacation Leave - Maximum Accumulation
- Section 9. Vacation Leave - Approval/Manner of Taking Leave
- Section 10. Vacation Leave - Previous Leave Credit
- Section 11. Vacation Leave - Terminal Pay and Repayment of Vacation Leave
- Section 12. Vacation Leave - Payment for Accumulated Vacation Leave Upon Death
- Section 13. Sick Leave

ARTICLE VI LEAVE OF ABSENCE (CONT'D)

- Section 14. Sick Leave - Manner of Accumulation
- Section 15. Sick Leave - Maximum Accumulation
- Section 16. Physician's Certificate
- Section 17. Sick Leave - Retirement Credit for Accumulated Sick Leave
- Section 18. Sick Leave - Transfer From Other Agencies/Entities
- Section 19. Sick Leave - Separated Employees
- Section 20. Leave Without Pay - Policy
- Section 21. Leave Without Pay - Retention and Continuation of Benefits
- Section 22. Workers' Compensation Leave
- Section 23. Maternity Leave - Employee Responsibility
- Section 24. Military Leave
- Section 25. Civil Leave
- Section 26. Education Leave With Pay
- Section 27. Leave Records

ARTICLE VI. LEAVE OF ABSENCE

Section 1. Paid Holidays Observed

The following holidays, and such others as the Board of Commissioners may designate, shall be observed by County Offices, and shall be counted as hours worked:

New Years' Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
Good Friday	Thanksgiving (2 days)
Memorial Day	Christmas (2 or 3 days, dependent upon day of week Christmas falls)
Independence Day	

In order to be eligible for holiday pay, a temporary or part-time (hourly) employee, must have worked a full regularly scheduled workday before and after the holiday, unless excused by the County.

Employees may wish to be away from work on certain days for religious observances. Department Heads should attempt to arrange the work schedule so that an employee may be granted annual leave when it is requested because the day is a major religious observance for that employee. Annual leave should be denied only when it would create an emergency condition which cannot be prevented in any other matter.

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

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

Section 3. Holidays - When Work Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off in addition to any holiday pay (one (1) days pay); or may be granted two (2) days compensatory time for each holiday worked. Compensatory time shall be granted whenever feasible, and shall be taken within three (3) months from the time it is earned. An employee whose regular day off falls on a holiday shall receive an additional day off.

Warren County Central Communications employees will observe the holiday schedule as stated above, however, pay and/or compensatory time off will be calculated in the following manner:

- a. Those individuals working the actual holiday, i.e., Thanksgiving Day, Christmas Day, New Year's Day, etc., will receive time off or pay at a time and one half rate. For those individuals not working the holiday and who have not completed the forty-hour work week. Those personnel who have completed a forty-hour work week or who will complete same during the standard pay week, will be given one additional eight-hour period off, or may receive eight hours of pay at the regular pay rate. Option to be determined at Supervisor's discretion.

- b. Deputies of the Warren County Sheriff's Department shall adhere to the following: Employees who shall be required to work on any Board approved holiday, or if holiday falls on his/her scheduled day off will be given at the discretion of the Sheriff a day off which must be taken within the next 28 day work period. Overtime for holidays will be paid only if time exceeds the 171 hours in a work period.

Section 4. Adverse Weather Conditions - Leave Policy

In situations involving inclement weather, heavy snow storms, or other unusual circumstances or conditions affecting all or a majority of County departments and/or their operations, it is incumbent upon the Department Head to ensure that his/her department or office is open to the public at the usual time, unless prior notification to the contrary has been received from the County Manager's office.

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized early closing. Employees who, of their own will, leave work before a official early closing time, as well as those employees who report for work late, or do not report for work at all, will be required to use earned vacation for days or hours taken.

Section 5. Annual Vacation Leave

For the purpose of earning and accruing annual leave, the twelve (12) month period between January 1 and December 31 is established as the leave year commencing with hire date.

Section 6. Vacation Leave - Initial Appointment Probationary Employees

Employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the probationary period without special permission. Any vacation leave granted during this period shall have approval of the Department Head and/or County Manager.

Section 7. Vacation Leave - Manner of Accumulation

Each regular salaried employee occupying a permanently established budgeted position, and working a 37.5 hour workweek, shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:

<u>Yrs. of Aggregate Service</u>	<u>Hrs. Granted Each Month</u>	<u>Hrs. Granted Each Year</u>	<u>Days Granted Each Year</u>
(a) Less than 2 yrs.	7 hrs. 25 mins. <i>7.42</i>	89	11 dys. 6 1/2 hrs.
(b) 2 but less than 5 yrs.	8 hrs. 40 mins.	104	13 dys. 6 1/2 hrs.
(c) 5 but less than 10 yrs.	10 hrs. 32 mins.	126.5	16 dys. 6 1/2 hrs.
(d) 10 but less than 15 yrs.	12 hrs. 25 mins.	149	19 dys. 6 1/2 hrs.
(e) 15 but less than 20 yrs.	14 hrs. 17 mins.	171.5	22 dys. 6 1/2 hrs.
(f) 20 or more years	16 hrs. 10 mins.	194	25 dys. 6 1/2 hrs.

VACATION LEAVE- MANNER OF ACCUMULATION

YRS. OF AGGREGATE SERVICE	HRS GRANTED EACH MONTH	HRS GRANTED EACH YEAR	DAYS GRANTED EACH YEAR
<u>37.5 HR WEEK</u> ↓			
[a] Less than 2 years	7.42	89	11 dys. 6.5 hrs.
[b] 2 but less than 5 yrs.	8.67	104	13 dys. 6.5 hrs.
[c] 5 but less than 10 yrs.	10.53	126.5	16 dys. 6.5 hrs.
[d] 10 but less than 15 yrs.	12.42	149	19 dys. 6.5 hrs.
[e] 15 but less than 20 yrs.	14.28	171.5	22 dys. 6.5 hrs.
[f] 20 or more years	16.17	194	25 dys. 6.5 hrs.

YRS. OF AGGREGATE SERVICE	HRS GRANTED EACH MONTH	HRS GRANTED EACH YEAR	DAYS GRANTED EACH YEAR
<u>40 HR WEEK</u> ↓			
[a] Less than 2 years	7.83	94	11 3/4 DYS
[b] 2 but less than 5 yrs.	9.17	110	13 3/4 DYS
[c] 5 but less than 10 yrs.	11.17	134	16 3/4 DYS
[d] 10 but less than 15 yrs.	13.17	158	19 3/4 DYS
[e] 15 but less than 20 yrs.	15.17	182	22 3/4 DYS
[f] 20 or more years	17.17	206	25 3/4 DYS

Telecommunications
 EMS
 JAIL
 Sheriff

This is a quick
 Cheat sheet
 for Manner of
 Leave Accumulation

Each regular salaried employee occupying a permanently established budgeted position, and working a 40 hour workweek, shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:

<u>Yrs. of Aggregate Service</u>	<u>Hrs. Granted Each Month</u>	<u>Hrs. Granted Each Year</u>	<u>Days Granted Each Year</u>
(a) Less than 2 yrs.	7 hrs. 50 mins.	94	11 3/4 dys.
(b) 2 but less than 5 yrs.	9 hrs. 10 mins.	110	13 3/4 dys.
(c) 5 but less than 10 yrs.	11 hrs. 10 mins.	134	16 3/4 dys.
(d) 10 but less than 15 yrs.	13 hrs. 10 mins.	158	19 3/4 dys.
(e) 15 but less than 20 yrs.	15 hrs. 10 mins.	182	22 3/4 dys.
(f) 20 or more years	17 hrs. 10 mins.	206	25 3/4 dys.

Vacation leave credited to employees having a workweek with more than 40 hours or less than 37.5 hours shall be determined in accordance with the following:

- (1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week.
- (2) The proportion obtained in step (1) shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- (3) The number of hours obtained in step (2), after rounding the nearest day shall be the amount of leave earned annually by the employees concerned.

Each regular salaried employee occupying a permanently established budgeted position, and working more than 40 hours per workweek, shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:

<u>Yrs of Aggregate Service</u>	<u>Hrs Granted Each Month</u>	<u>Hrs Granted Each Year</u>	<u>Days Granted Each Year</u>
(a) Less than 2 yrs	11 hours	132	5.50 days
(b) 2 but not less than 5 yrs	12 hrs. 50 min.	154	6.42 "
(c) 5 but less than 10 yrs	15 hrs. 40 min.	188	7.84 "
(d) 10 but less than 15 yrs	18 hrs. 25 min.	221	9.21 "
(e) 15 but less than 20 yrs	21 hrs. 15 min.	255	10.63 "
(f) 20 or more years	24 hours	288	12.00 "

As part of the Benefit Program for departments working over 40 hours per workweek, each employee will receive paid time off for the purpose of rest and recreation or other personal interests. Vacation leave will be scheduled with their supervisors to maintain efficiency and prevent additional costs to department. The vacation year will be January 1 through December 31. Each employee will accumulate vacation time as stated immediately above.

Section 8. Vacation Leave - Maximum Accumulation

Annual leave may be accumulated without any applicable maximum until anniversary date of each year. Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days, or 225 hours. On December 31, any employee with more than thirty (30) days or 225 hours of accumulated leave, shall have the excess accumulation *converted to sick leave* canceled so that only thirty (30) days or 225 hours are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave schedules or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave - Approval/Manner of Taking Leave

Vacation leave earned by an employee shall be taken only upon prior approval of the Immediate Supervisor or Department Head.

Section 10. Vacation Leave - Previous Leave Credit

Any employee who separates in good standing, and is reinstated within three (3) years may receive previous credit time for the purpose of accruing vacation leave.

Section 11. Vacation Leave - Terminal Pay and Repayment of Vacation Leave

An employee who is separated shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of thirty (30) days or 225 hours. Any vacation leave owed the County shall be deducted from the employee's final compensation.

Section 12. Vacation Leave - Payment for Accumulated Vacation Leave Upon Death

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of thirty (30) days or 225 hours.

Section 13. Sick Leave

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners. An employee may be granted sick leave if the absence is due to:

- (a) Sickness or bodily injury which may prevent an employee from performing his/her regular duties.
- (b) Medical/Dental appointments.
- (c) The actual period of temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability recognized as sick leave.
- (d) Quarantine due to a contagious disease in the employee's immediate family, or exposure to a contagious disease when continuous work might jeopardize the health of others.
- (e) Sickness or death in the employee's immediate family, not to exceed five (5) days, for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head. Immediate family is defined as wife, husband, mother, father, brother, sister, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- (f) The funeral of a person other than an immediate family member may be granted by the department head if an apparent degree of closeness of relationship exists between the employee and the deceased, and if in the judgment of the department head, such a relationship normally warrants the employee's attendance at the funeral.

Notification of the desire to take sick leave should be submitted to the employee's Supervisor prior to the leave, or not later than two (2) hours after the beginning of a scheduled workday.

Section 14. Sick Leave - Manner of Accumulation

Each regular salaried employee, occupying a permanently established budgeted position, shall earn sick leave on a monthly basis at the rate of one (1) day per calendar month. An employee may borrow up to three (3) days.

At the time of separation, any sick leave owed the County shall be deducted from the employee's final compensation.

Section 15. Sick Leave - Maximum Accumulation

Sick leave will be cumulative for an unlimited number of days.

Section 16. Sick Leave - Physician's Certificate

The employee's Department Head or County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work to the end that there will be no abuse of sick leave privileges. At the expiration of an authorized sick leave, the employee's Department Head or 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.

Section 17. Sick Leave - Retirement Credit for Accumulated Sick Leave

Sick leave earned monthly is allowed as creditable service at time of retirement for employees who are members of the N.C. Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when you retire, and an additional day for any part of twenty (20) left over.

Section 18. Sick Leave - Transfer From Other Agencies/Entities

Unused sick leave earned from another North Carolina Governmental Agency and/or entity, will be accepted and transferred to Warren County according to the following provisions:

- (a) Unlimited number of days added or accepted provided verification is received in hours and to be calculated and accepted in days reverting to the nearest whole.
- (b) The total number of days accepted as transferred will be added to the record after completion of the six (6) month probationary period.
- (c) Verification of said accumulated sick leave must be received in writing from the previous jurisdiction.
- (d) The transfer must be completed within three (3) years from the employee's last workday with the previous agency/entity

Section 19. Sick Leave - Separated Employees

Employees who retire or resign and are not reinstated with Warren County within a three (3) year period, shall lose all sick leave credits. No employee shall be paid for any accrued sick leave at termination.

Section 20. Leave Without Pay - Policy

Leave without pay is an administrative decision and may be granted for up to but not to exceed six (6) months, by the County Manager, upon recommendation of the Department Head.

- (a) Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused by or contributed to pregnancy, miscarriage, childbirth, and recovery exists, employees will be allowed to use accumulated sick leave. (See Article VI: Section 13-C).
- (b) Upon returning to duty after being on leave without pay, the employee shall not be guaranteed a position of the same classification, seniority, and pay.
- (c) Failure to report for duty at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

Section 21. Leave Without Pay - Retention and Continuation of Benefits

An employee shall have the option to retain all unused vacation and sick leave while on leave without pay status. This applies only to leave of five days or less per month. Vacation and sick leave credits will not be accrued during leave without pay. Individual hospitalization and dental insurance provided for the employee, by the employer during regular pay status, will not be provided as employer expense benefits during leave without pay, unless the employee is on the payroll a minimum of half the working days during the calendar month. The employee, however, may continue to be eligible for any benefit(s) under the County's group plans, subject to regulations adopted by the Board of Commissioners and the respective group carriers.

Section 22. Worker's Compensation Leave

Any employee absent from duty because of sickness or disability covered by the N.C. Workers' Compensation Law, shall be required to take leave and be compensated as follows:

- (a) The disabled employee will be required to utilize sick leave credited to the employee until such time as the employee's Workers' Compensation claim has been processed and weekly benefits commence. As provided by the Workers' Compensation Act, during total disability, the disabled employee is entitled to receive compensation from the insurance company in an amount equal to 2/3 of employee's average weekly earnings to be paid on a weekly basis. The employee is entitled to no compensation from the insurance company for the first seven days of disability unless the disability continues for more than twenty-one days. After disability has continued more than twenty-one (21) days, the employee is entitled to receive compensation for the first seven days.

- (b) If the disabled employee does not have accrued sick time to utilize during the time required to process employee's Workers' Compensation claim, the County will continue the employee's regular compensation until such time as benefits commence, with the understanding that the compensation checks paid by the insurance company for said time period will be endorsed by the employee to be deposited to the County's account. Since the compensation check paid by the insurance company represents 2/3 of the employee's average weekly earnings, the disabled employee's sick leave record will be debited the amount of time equal to the remaining 1/3 regular compensation paid to employee during the waiting period.
- (c) Once the disabled employee's Workers' Compensation Claim has been processed and benefits commence, the employee will be required to go on leave without pay status and draw the check paid by the insurance carrier. No regular compensation checks from the County will be received by the disabled employee until he/she is released by the physician and authorized to return to the regular work schedule.
- (d) Should the disabled employee be released by the physician for light and/or part-time work before reaching a point of maximum improvement (if such light and/or part-time work is available or feasible in employee's department), he/she will be required to complete a county-approved time sheet indicating the actual number of hours worked for approval by the employee's supervisor. The County will compensate employee at the regular hourly rate for his/her position for actual time worked, with the difference to be paid by the insurance company in the amount equal to 2/3 of the wage loss to the maximum benefits allowed by law.
- (e) Should an employee become permanently and totally disabled as a result of an occupational injury or disease within the meaning of the Workers' Compensation Act, he/she will be entitled to all benefits provided under the North Carolina Workers' Compensation Act (Chapter 97, General Statutes of North Carolina and all amendments thereto).

Section 23. Maternity Leave - Employee Responsibility

An employee desiring to take a leave of absence from work for reasons caused by, or contributed to by pregnancy, miscarriage childbirth, or recovery therefrom, shall apply in writing to her supervisor and/or Department Head stating the nature of her condition, the anticipated dates, duration, and types of leave time requested. Said request shall be subject to approval by the County Manager and/or department head where applicable. She is obligated to return to duty by the end of the time determined appropriate. If she finds she will not be able to return to work, she shall notify her Department Head immediately. Failure to report at the expiration of an authorized leave of absence, unless an extension has been requested and approved, shall be considered a resignation.

Section 24. Military Leave

Each regular salaried employee, occupying an officially budgeted position, who is a member of the National Guard or Armed Forces Reserve, will be allowed ten (10) workdays of military training leave annually, with full compensation.

If such military duty is required beyond this ten (10) workday period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

Members of the National Guard shall receive leave with pay for periods not to exceed thirty (30) consecutive calendar days each year for required active State duty (such as domestic disturbances, disasters, search and rescue, etc.).

While taking military leave with or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Section 25. Civil Leave

A County employee called for jury duty or as court witness for the federal or state government, or a subdivision thereof, is entitled to leave with pay for the period of absence required. He/she is entitled to regular compensation, plus fees received for jury duty.

Section 26. Education Leave With Pay

A leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted upon the recommendation of the Department Head and with the approval of the County Manager, to take courses of study which will better equip the employee to perform his/her duties for Warren County. A leave of absence at full or partial pay for a period not to exceed one (1) year may be granted upon the recommendation of the Department Head and the County Manager with the approval of the Board of County Commissioners. Employees granted educational leave and pay shall agree to return to the services of Warren County upon completion of their training and remain in the employ of the County for a period equal to twice the educational leave or reimburse Warren County for all compensation received while on educational leave. An example of this training program would be for spot training such as a clerk-typist taking a course in shorthand or typing or an accounting clerk taking a course in programming for the computer, etc. This type of training is not intended to be oriented toward a degree from an accredited institution such as an Associate or Bachelor Degree. When a County employee enters into a job-related training program with prior approval of his/her Department Head and the County Manager, he/she may be reimbursed for expenses such as tuition and books, upon successful completion of the course.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which county employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 27. Leave Records

It shall be the responsibility of each department head or his/her designee to maintain and report on a monthly basis, records of annual leave earned and taken for each employee in the following manner:

Vacation Hrs.
Earned - Taken - Balance

Sick Leave Hrs.
Earned - Taken - Balance

ARTICLE VII. SEPARATION, DISCIPLINARY ACTION, AND
REINSTATEMENT

- | | |
|-------------|---|
| Section 1. | Types of Separation |
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ARTICLE VII. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

Section 1. Types of Separation

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

Section 2. Resignation

A minimum of two (2) week's notice is expected of all resigning personnel except Department Heads who shall give a notice of thirty (30) days. Such notice should be given to the Department Head (or in the case of Department Heads, to the County Manager, and the appropriate governing body if applicable).

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two (2) weeks' notice of anticipated lay-off. No regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

Section 4. Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action or disability separation may be initiated by the employee or the County, but in all cases consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to accommodate the employee in his/her current position or locate alternative positions within the County's service for which the employee may be suited.

Section 5. Death

All compensation due in accordance with Article VI, Section 11 of this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Section 6. Disciplinary Action

A employee may be suspended or demoted by the Department Head because of failure in performance of duties or failure in personal conduct. The Department Head shall provide the employee with a written notice including the recommended effective date, reasons for the action,

and appeal rights available to the employee. The Department Head will provide the County Manager with a written notice of action taken.

Section 7. Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time shall be notified by the Department Head in what way the employee's work is deficient, and what must be done if the work is to be satisfactory.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties, shall receive at least three warnings before disciplinary action is taken. First, one or more oral warnings must be issued by the employee's supervisor; second, a written warning issued by the Supervisor, to the employee, which sets forth the points of the performance deficiencies and giving specifics for the warning; third, a final written warning must be issued by the Department Head serving notice upon the employee that corrective action must be taken immediately in order to avoid disciplinary actions. The supervisor and the Department Head must record the dates of their discussions with the employee, the performance deficiencies discussed, and the corrective actions recommended, and must file the information in the employee's personnel file and notify the County Manager of actions taken.

The employee must be allowed at least ten (10) workdays to respond to the charges before any determination is made by the Department Head concerning a suspension or a demotion or a determination is made by the appointing authority concerning dismissal:

- (a) Inefficiency, negligence or incompetence in the performance of duties;
- (b) Careless, negligent or improper use of County property or equipment;
- (c) Physical or mental incapacity to perform duties;
- (d) Discourteous treatment of the public or other employees;
- (e) Absence without approved leave;
- (f) Habitual improper use of leave privileges;
- (g) Habitual pattern of failure to report for duty at the assigned time and place; and
- (h) Insubordination.

Section 8. Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for cause relating to personal conduct detrimental to County service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons.

The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion or dismissal:

- (a) Fraud in securing appointment;
- (b) Conduct or behavior unbecoming a public officer or employee;
- (c) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entering a plea of "no contest" to either;
- (d) Misappropriation of County funds or property;
- (e) Falsification of County records for personal profit or to grant special privileges;
- (f) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty on public property where prohibited, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary, and which are not disruptive to the employee's regular duties and/or job performance.
- (g) Willful damage or destruction of property;
- (h) Willful acts that would endanger the lives and property of others;
- (i) Acceptance of gifts in exchange for "favors" or "influence";
- (j) Incompatible employment or conflict of interest; and
- (k) Violation of political activity restrictions.

Any employee demoted or dismissed for causes relating to personal conduct shall be given a statement of the charges, be allowed to respond in writing, and be given a prompt written statement of the decision of the Department Head or the appointing authority. These steps shall be taken before the disciplinary action except in cases of suspensions where a written statement will be sent to be sent to the employee by certified mail.

Section 9. Disciplinary Suspension

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension, which will be no less than one (1) full working day and no more than three (3) working days.

Section 10. Immediate Disciplinary Suspension

An employee may be suspended without notice by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee, he shall tell the employee to leave the County workplace at once and remain away until further notice. The Department Head shall notify the County Manager immediately.

A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, one copy shall be filed in the official employee file, and one copy shall be filed with the County Manager.

Section 11.1 Non-Disciplinary/Investigatory Suspension (County General Employees)

During the investigation, hearing or trial of a County General Employee on any criminal charge, or during the course of civil action involving an employee, the Department Head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized, if the suspension is terminated with full reinstatement of the employee.

Section 11.2 Non-Disciplinary/Investigatory Suspension (Competitive Service Employees)

Investigatory suspension without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. Also, management may elect to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. However, an agency may in the exercise of its discretion, extend the period of investigatory suspension without pay beyond the forty-five (45) day limit. The employee must be informed in writing of the extension, the length of the extension, the specific reasons for the extension and his/her right of appeal. For competitive service employees, a copy of the above communication shall be sent to the State Personnel Director and the Department of Human Resources Regional Personnel Director. If no action has been taken by management by the end of forty-five (45) calendar days and no extension has been made, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; reinstatement of the employee with up to three (3) days pay deducted from the back pay.

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

An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days pay deducted from his/her salary. Such determination is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. This period constitutes a disciplinary suspension without pay and must be effected in accordance with Section 9 of this Article.

Section 12.1 Dismissal (County General Employees)

All dismissals of County General Employees shall be preceded by an automatic three (3) day suspension without pay, pending completion of an investigation by the appointing authority or County Manager.

If the appointing or County Manager determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the official employee file.

Section 12.2 Dismissal (Competitive Service Employees)

All dismissals of Competitive Service Employees shall be in accordance with Article I and Article II, Personnel Policies for Local Government Employment Subject to the State Personnel Act. The County Manager and Personnel Director shall be provided with copies of all documents pertaining to dismissal action.

Section 13. Employee Appeal

A regular County General Employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provision of the grievance procedure in Article VIII of this Ordinance. Competitive Service Employees wishing to appeal the actions indicated above, may do so in accordance with established policies.

Section 14. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within three (3) years of the date of separation, with the approval of the Department Head, the County Manager, and in the case of Competitive Service Employees, the Personnel Policies for Local Government Employment Employees Subject to the State Personnel Act.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who is reinstated shall be credited with previous service time and previously accrued sick leave.

ARTICLE VIII. GRIEVANCE PROCEDURES

- Section 1. Purpose
- Section 2. Applicability/Coverage
- Section 3. Policy
- Section 4. Objectives
- Section 5. Administration
- Section 6. Protection of Complaints, Employees, Witnesses, and Representatives From Interference, Harassment, Intimidation, and Reprisal
- Section 7. Procedure for Informal Resolution of Complaints
- Section 8. Formal Complaint Procedure
- Section 9. Appeal Procedure
- Section 10. Maintenance of Records
- Section 11. Procedure for Recording Receipt and Disposition of All Complaints
- Section 12. Alternative Remedies

ARTICLE VIII. GRIEVANCE PROCEDURES

Section 1. Purpose

The grievance procedures outlined herewith, established policies and procedures in employment and personnel management, providing for an adequate and fair hearing of grievances for each individual, without regard to race, color, age, national origin, handicap, sex, or religion, where the grievance is based upon denial of equal employment opportunity or discrimination. These procedures also relate to all other phases of employment for all employees of Warren County.

Section 2. Applicability/Coverage

These grievance procedures apply to all departments and all employees employed by Warren County.

Section 3. Policy

Every employee shall have the right to present his/her problem or grievance in accordance with these procedures, with or without a representative of their own choosing, free from interference, coercion, restraint, discrimination, penalty, or reprisal. This includes any cause for dissatisfaction outside the employee's control or anything connected with his/her job that he/she thinks or feels is wrong. Every employee will be allowed such time off from his/her regular duties as may be necessary and reasonable as determined by the Department Head and/or County Manager, for the processing of a grievance under these procedures without loss of pay, vacation, or of other time credits.

Section 4. Objectives

The objectives of these procedures include the following:

- (a) To assure employees of a means to get their complaints considered rapidly, fairly, and without fear of reprisal.
- (b) To encourage employees to express themselves about how their conditions of work affect them as employees.
- (c) To provide better understanding of policies, practices, and procedures which affect employees.
- (d) To provide Department Heads with greater opportunity, both to exercise proper responsibility in dealing with employees, and to improve their effectiveness in carrying out established policies.
- (e) To improve employee opportunities in performing duties with effectiveness and satisfaction.

Section 5. Administration

The County Manager has assigned Department Heads the duties of coordinating all activities relating to grievance procedures for their respective departments. The Department Head shall:

- (a) Coordinate a system for (1) counseling an aggrieved employee who believes he/she has been discriminated against, and (2) attempting to resolve informally any matter raised by the aggrieved employee.
- (b) Arrange for the receipt and investigation of individual complaints of discrimination, or any other matter raised by the aggrieved employee.
- (c) Arrange for the receipt and investigation of general allegations by organizations or other third parties of discrimination which are necessary on individual complaints, including any disciplinary action that is warranted when an employee has been found to have engaged in a discriminatory practice.
- (d) Review the file on any individual complaint, before a decision is made under the complaint procedure and make any recommendation to the County Manager that he considers desirable including any disciplinary action that is warranted by the circumstances.

Section 6. Protection of Complaints, Employees, Witnesses, and Representatives from Interference, Harassment, Intimidation, and Reprisal

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

Section 7. Procedure for Informal Resolution of Complaints

The County Manager is designated to act in an effort to mediate or conciliate informal complaints. However, initially, employees should attempt to resolve informal complaints at the lowest possible supervisory level. Informal complaints may be filed by anyone eligible to file a formal complaint.

If the grievance is not resolved at the lowest level, the grievance may proceed to the next supervisory level and this procedure may be repeated until the complaint reaches the County Manager. An informal complaint not resolved to the employee's satisfaction by the County Manager must thereafter be handled through the formal complaint procedures.

When an informal complaint has been received by an immediate supervisor, a memorandum shall be prepared by the supervisor to the Department Head. The memorandum should advise him of the complaint, outline the circumstances of the complaint, discuss attempts to resolve the complaint, cite the recommendation of the supervisor, and state the conclusion or recommendation for further action.

All informal complaints will be heard by the immediate supervisor as rapidly as possible and in no more than thirty (30) calendar days after receiving the complaint. If no satisfactory solution can be found for the complainant by the supervisor, the complainant may proceed to the next higher supervisory level.

In any case where the complainant feels that he/she cannot present the complaint, or would not receive proper consideration for the complaint at the immediate supervisor level, he/she may, without prejudice, move up the supervisory channel to any higher level or may take the complaint directly to the County Manager.

All complaints should be settled at the lowest possible supervisory level and complaints submitted to the County Manager should be fully justifiable. The County Manager will have the right to refer complaints to a lower level of management when he or she feels it would be in the best interest of the complainant and/or the County.

Section 8. Formal Complaint Procedure

The procedure for processing of formal complaints of employment discrimination or any other matter by employees of Warren County is as follows except that Competitive Service Employees may file discrimination complaints directly to the State Personnel Commission:

If the informal procedures do not attain a result satisfactory to the complainant, or if the complainant has suitable reason not to follow the informal procedure, he/she may file a formal complaint to be submitted in writing and signed. The formal complaint should state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, handicap, national origin, sex, age or religion. A statement from the complainant describing the conduct or condition complained of with greater particularity may be required as the investigation proceeds.

- (a) **Who May File.** A complaint may be filed by any employee of Warren County who believes that an adverse employment condition exists and/or that discrimination in employment has been practiced against him/her and/or that an employment practice in Warren County has resulted or will result in discrimination in employment practices may also be filed by an employee, provided, however, that upon request of the County Manager, the complainant shall furnish names of individuals who are adversely affected by those practices.
- (b) **Rights of Representation.** A complainant may designate in writing an individual or an organization to represent him/her in the processing of the complaint and is entitled to the advice of counsel at his/her cost at all stages in the proceeding. If the representative designated by the complainant is an employee of Warren County, such employee, as well as an employee-complainant, shall have a reasonable amount of official time with pay, if he/she is in a pay status, for the purpose of appearing at any hearing on the complaint. The rights and privileges set forth in this paragraph shall also be available to any person whose alleged conduct is the cause of the complaint.

- (c) **Where Filed.** All employees who wish for their complaint to be handled under the Formal Grievance Procedure of Warren County should file their complaint in writing with the County Manager. The County Manager will investigate the complaint and will act on the case as rapidly as possible and advise the complainant of his decision within thirty (30) calendar days after receiving the complaint. If, upon the County Manager's decision, the complainant is dissatisfied, he/she may file with the County Personnel Advisory Committee a request for a hearing. Upon receiving the request for a hearing, the Advisory Committee Chairman shall instruct the County Manager to convene a hearing as set forth in Section 9(e).
- (d) **When Filed.** A complaint shall be submitted within fifteen (15) calendar days of the conduct giving rise to the complaint. The County Manager may extend the time limit for good cause. Competitive Service Employees must file appeals of demotion, suspension, and dismissals within fifteen (15) calendar days of his/her receipt of written notice of action. A direct appeal to the State Personnel Commission alleging discrimination must be filed with the Commission within thirty (30) days of the alleged discriminatory act.
- (e) **Hearing.** A complainant filing a formal complaint, or the County Manager, may request a hearing which shall be transcribed or recorded. The hearing shall be conducted within sixty (60) calendar days from the date the hearing is requested, during regular working hours of the County. The Personnel Advisory Committee, the complainant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. The hearing shall be instituted and conducted by the Chairman of the committee. Attendance at the hearing shall be at the invitation of the Chairman of the Committee, in consultation with the complainant. The Personnel Advisory Committee shall submit to the County Manager a proposed decision within thirty (30) calendar days of the hearing.
- (f) **Personnel Advisory Committee.** The hearing will be before the Personnel Advisory Committee. The County Commissioners shall appoint a Personnel Advisory Committee consisting of five (5) employees of Warren County and one (1) alternate. One of the primary members of the committee hearing the complaint shall be of a similar salary grade and classification (if possible) as the employee filing the complaint. The County Manager shall appoint clerical staff to support the committee. A member of the Advisory Committee shall disqualify himself/herself when he/she has a conflicting interest in the situation leading to the complaint, or if the complainant is from the same department as the member of the Advisory Committee. The Advisory Committee shall elect one member as Chairman. The position of said committee shall be as follows:
- (1) To determine if there exists sufficient justification for the complaint to proceed to a formal hearing.
 - (2) To determine if there exists, at any time during the hearing, sufficient justification to proceed through to completion of the hearing.
 - (3) To make a decision in the matter of the complaint with respect to a recommended solution, disposition, or action.

In order to help insure that County time is not expanded needlessly on insubstantial or insupportable contentions, the Advisory Committee must establish that "probable cause" exists to believe impermissible discrimination or other employment practice occurred: established a "prima facie" case of that occurrence, which is grounded in proven fact; and find that the balance of evidence concerning the occurrence remains convincing even when refutation is offered. After the conclusion of the hearing, the Advisory Committee will prepare a report which will be submitted to the County Manager.

- (g) Action by the County Manager. Upon receiving the report of the Advisory Committee, the County Manager will inform the complainant and Department Head, in writing, of the decision of the Advisory Committee. If either the complainant or the County Manager disagrees with the decision of the Advisory Committee, he/she may appeal as set forth in Section 9 of this Article for County General Employees.

In the case of Competitive Service Employees, the Advisory Committee's findings will be in the form of a recommendation.

Section 9. Appeal Procedure

Within thirty (30) calendar days of notification of the decision of the Advisory Committee, either the complainant or the County Manager may request a review by the County Commissioners. In addition, within thirty (30) calendar days of any refusal of the County Manager to accept a complaint or to act upon a complaint in accordance with these procedures, the complainant may request a review by the County Commissioners. Any request for review shall be in writing to any County Commissioner. The County Manager, upon the filing of a request for review with the County Commissioner, shall furnish to the Commissioners, the complete file, including the transcript of any hearing, together with whatever other information the Commissioners request. The Commissioners shall review the file on the record to determine if there is substantial evidence on Said record as a whole to support the decision of the Advisory Committee. The decision of the Commissioners shall be in writing and shall be sent to the County Manager for appropriate action within sixty (60) calendar days of receipt of the request for review. A copy of the Commissioners decision shall also be furnished to the complainant. Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission not later than thirty (30) days after receipt of notice of the Department Head's decision, provided the employee has obtained permanent status in accordance with the rules and regulations of the State Personnel Commission, and the complaint does not involve discrimination, but does involve demotion, suspension, dismissal, or reduction in force. The decision of the State Personnel Commission shall be binding in appeals of local employees subject to the State Personnel Act if the Commission finds that the employee has been subjected to discrimination or any case where a binding decision is required by applicable Federal Standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

Section 10. Maintenance of Records

All documentation, records, and reports will be retained for a minimum of two (2) years and shall be held by the Personnel Officer. These records will be subject to review by the grievant, the employee's Department Head, the County Manager and the Commissioners.

Section 11. Procedure for Recording Receipt and Disposition of All Complaints

The County Manager will keep a record of all informal complaints filed with him. If a complaint is withdrawn, the record shall include any statement from the complainant indicating the reason for withdrawal.

Section 12. Alternative Remedies

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

ARTICLE IX. EMPLOYEE BENEFITS

- Section 1. Insurance Benefits
- Section 2. Unemployment Insurance
- Section 3. Old Age and Survivor's Insurance (Social Security)
- Section 4. Retirement Benefits
- Section 5. Death Benefit
- Section 6. Law Enforcement Officers Separation Allowance
- Section 7. Supplemental Retirement Income Plan Available to Law Enforcement Officers
- Section 8. Benefits/Other - Fixed
- Section 9. Benefits/Other - Flexible

ARTICLE IX. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

The County may provide both individual hospitalization and dental insurance to all employees occupying budgeted positions established at least half-time. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts.

Deductions shall be allowable, at the option of the employee, to provide hospitalization and dental coverage for dependents in accordance with the provisions of the insurance contracts.

Section 2. Unemployment Insurance

In accordance with the Public Law 94-566 and Chapter 1124 of the session Laws of 1977 of the North Carolina General Assembly, local governments are covered by employment insurance. Warren County employees who are laid off or leased from the County service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment insurance will be determined by the Employment Security Commission.

Section 3. Old Age and Survivor's Insurance (Social Security)

The 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 65, and reduced benefits available as early as age 62.

Section 4. Retirement Benefits

Each employee in a budgeted position, working a minimum of 1000 hours per year, as a condition of employment, must join the Local Government Employee's Retirement system. Employees must contribute, through payroll deduction, six percent (6%) of the gross salary each month to the system. The County (employer) contributes an actuarial determined percentage of the gross payroll each month to the system.

Section 5. Death Benefit

If you die before age 70, while still in active service, after one year as a contributing member of the Retirement System, your beneficiary will receive a single lump sum payment. This payment will equal the highest twelve (12) months' salary in a row during the 24 months before you die, but no more than \$20,000. This benefit is also paid if you die within 180 days after the last day of which you are paid a salary. This benefit is an addition to any other benefits to which you may be entitled through the Retirement System.

Section 6. Law Enforcement Officers Separation Allowance

The 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:

- (a) The officer must have completed 30 years or more of creditable service, or have attained 55 years of age and completed five or more years of creditable service;
- (b) The officer must not yet be age 62; and
- (c) The officer must have completed at least five years of continuous service as a law enforcement officer immediately prior to service retirement.

The separation allowance ceases when the officer reaches age 62 or when the officer dies or is re-employed in any capacity by a city, town, county or the state.

Section 7. Supplemental Retirement Income Plan Available to Law Enforcement Officers

All law enforcement officers automatically become a member of the Supplemental Retirement Income Plan, on the date of hire, provided the officer has the full power of arrest with the primary duty of enforcing criminal laws.

Section 8. Benefits/Other - Fixed

Warren county, as the employer, provides the following additional benefits to its employees:

- (a) Workers' Compensation - Provides coverage to all full and part-time employees to cover medical expenses and loss time from work due to work related injuries.

Section 9. Benefits/Other - Flexible

Additional deductions/benefits may be allowed, at the option of the employee, under the provision of the insurance contracts, and may be payroll deducted:

- (a) Miscellaneous Insurance - Cancer, Accident, Sickness and Dreaded Disease
- (b) U.S. Savings Bonds
- (c) Local Government Credit Union/State
- ✓ (d) NACo Deferred Compensation Plan
- (e) 401K (Law Enforcement Officers)

ARTICLE X. PERSONNEL RECORDS AND REPORTS

- Section 1. Personnel Records Maintenance
- Section 2. Access to Personnel Records
- Section 3. Confidential Information
- Section 4. Records of Former Employees
- Section 5. Remedies of Employees Objecting to Material in File
- Section 6. Penalty for Permitting Access to Confidential File by Unauthorized Person
- Section 7. Penalty for Examining and/or Copying Confidential Material Without Authorization
- Section 8. Destruction of Records Regulated

ARTICLE X. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintenance

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

The following information on each County employee shall be maintained:

- (a) name;
- (b) age;
- (c) date of original employment or appointment to County services;
- (d) current position title;
- (e) current salary;
- (f) date and amount of most recent change in salary;
- (g) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- (h) office to which the employee is currently assigned.

Section 2. Access to Personnel Records

As required by G. S. 153A-98, any person may have access to the information listed in Section 1 of this article for purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Access to such information shall be governed by the following provisions:

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

- (d) Any person denied access to any record shall have the right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 3. Confidential Information

All information contained in a County employee's personnel file, other than the information listed in Section 1 of this article will be maintained as confidential in accordance with the requirements of G.S. 153A-98 and shall be open to public inspection only in the following instances:

- (a) The employee or his duly authorized agent may examine all portions of this personnel file, except (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (e) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or the purpose of assisting in an investigation of the employee's tax liability.
- (f) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (g) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

Section 4. Records of Former Employees

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

Section 5. Remedies of Employees Objection to Material in File

An employee who objects to material in his file may place in his/her file a statement relating to the material he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures. (See Article VIII)

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

G. S. 153A-98 provides that 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, is guilty of a misdemeanor and upon conviction shall be fined in a amount not to exceed five hundred dollars.

Section 7. Penalty for Examining and/or Copying Confidential Material Without Authorization

G. S. 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willingly examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court, but not in excess of five hundred dollars.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G. S. 121-5, 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 nor more than five hundred dollars as provided in G. S. 132-3.

ARTICLE XI. IMPLEMENTATION OF ORDINANCE

- Section 1. Conflicting Policies Repealed
- Section 2. Separability
- Section 3. Violations of Policy Provision

ARTICLE XI. IMPLEMENTATION OF ORDINANCE

Section 1. Conflicting Ordinances Repealed

All policies, ordinances or resolutions that conflict with the provisions of the Ordinance are hereby repealed.

Section 2. Separability

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

Section 3. Violations of Ordinance Provision

An employee violating any of the provisions of this Ordinance shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

This Ordinance passed and adopted by the Board of County Commissioners, Warren County, State of North Carolina this the _____ day of January, 1993.

/s/ Lucious Hawkins
Chairman
Warren County Board of Commissioners

/s/ Linda T. Jones
Linda T. Jones
Clerk to the Board

(Seal)