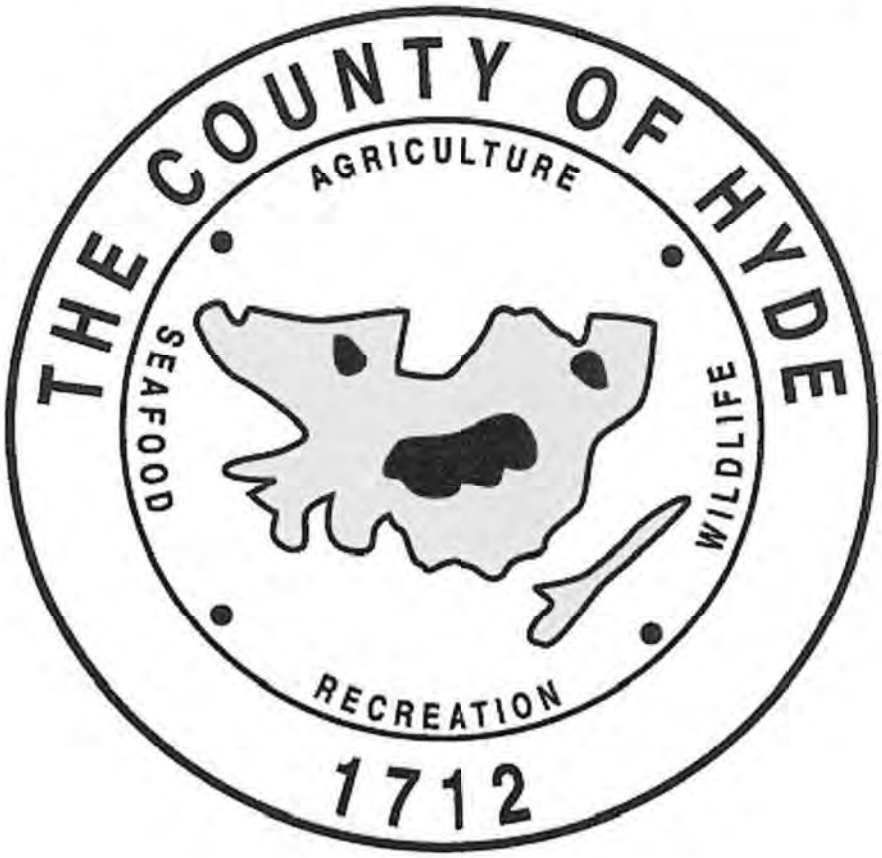
County of Hyde
Personnel Policy



Approved: June 6, 2016 (Effective July 1, 2016)

HYDE COUNTY
PERSONNEL POLICY

BE IT RESOLVED by the Board of County Commissioners for Hyde County that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment for the employees of the County.

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ARTICLE I

ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this personnel policy is to establish a human resources system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an efficient and responsible work force and provide the means for removal of unsatisfactory employees. This personnel policy is established under the authority of Chapter 153A, Article 5 and, for those employees subject to the State Human Resources Act, Chapter 126 of the General Statutes of North Carolina. State requirements will supersede these policies for positions subject to the State Human Resources Act whenever there is a conflict.

The County Personnel Policies Manual contains standards relevant to employment with Hyde County. Employees are required to read and become familiar with and adhere to the contents of this Personnel Policies Manual. All employees are expected to remain informed and compliant with current County policies and procedures. An employee's failure to remain knowledgeable of and compliant with County policies and procedures may lead to disciplinary action, up to and including termination of his/her employment. Accordingly, employees should refer to the Manual as frequently as needed to remain compliant with the content as stated. An employee's need for further clarification or information about the standards should be addressed by consulting with the employee's supervisor, Department Head or the County Human Resources Director.

The policies and procedures in this Manual are designed to serve as guidelines for management action. They are not intended to create any contract or binding agreement between the County and any employee. Any individual may voluntarily leave employment upon proper notice or may be terminated by the employer. All policies and procedures outlined in this Manual are subject to change or modification at the County's discretion at any time that particular circumstances warrant.

This manual is provided for informational purposes only. No provision or portion of the manual constitutes an implied or expressed contract, guarantee or assurance of employment or any right to an employment-related benefit or procedure. The Hyde County Commissioners reserve the right to change, modify, eliminate or deviate from any policy or procedure in this manual at any time by appropriately implementing necessary revisions.

All policies shall be effective July 1, 2016, and are not retroactive.

Section 2. Introduction

The governing body for Hyde County is the Board of County Commissioners, which is comprised of five members within the County. The Board of Commissioners holds

regularly scheduled meetings, as well as special meetings, all of which are open to the public.

Section 3. Coverage

Elected officials, County Manager, County Attorney, members of advisory boards and special boards and commissions, consultants, volunteers, and contract employees are exempt from all provisions of this personnel policy, except as specifically designated.

The following employees are covered only by the specifically designated articles and sections:

1. Employees governed by the North Carolina Human Resources Act, Emergency Services Director, Health Department and Department of Social Services employees, shall be subject to all policies except Article II, The Position Classification Plan, Article VIII, Separation and Disciplinary Action, and Article IX, Grievance Policies.
2. Employees of the County Sheriff's Office and the Register of Deeds shall be subject only to Article I, Organization of Personnel System, Article IV, The Pay Plan and Article V, Conditions of Employment.

Section 4. Merit Principle

All appointments and promotions shall be made solely on the basis of merit and qualifications. All positions requiring 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, marital status, citizenship status, disability, genetic information, veteran status, age, non-disqualifying handicap or other legally protected status.

Section 5. Responsibility of Board of Commissioners

The Board of Commissioners shall adopt or provide for rules and regulations or administrative policies relating to personnel policies and other measures which promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 153A-94 of the North Carolina General Statutes, and shall confirm appointments when so specified by law. The Board of Commissioners shall also establish the Classification and Pay Plan. The Board of Commissioners shall prescribe the office hours, workdays and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised or repealed through the same procedure. Revisions in personnel policy are also effective upon approval by the Board, unless otherwise designated.

Section 6. Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration of the County Personnel Program, including the Hyde County Personnel Policies. The County Manager shall appoint, suspend and dismiss County officers and employees, except those who are elected by the citizens of Hyde County or whose appointment is otherwise provided for by law or those specifically exempt. The County Manager shall be responsible for the above duties and other functions in accordance with Section 153A-82 of the General Statutes of the State of North Carolina and all other applicable state and federal laws as well as other relevant portions of the Personnel Policy. The County Manager shall monitor all personnel administration practices of the County, initiate and recommend revisions of rules governing personnel administration to the Board of Commissioners and present and supervise the classification plan, pay plan and all other personnel records for County employees.

Section 7. Responsibility of the Human Resources Director

The County Manager may appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan and perform such other duties in connection with the County Personnel Program as the County Manager may require. The duties and responsibilities shall include the interpretation and implementation of personnel policies, pay plan, establishment and maintenance of records relating to County employees, development and administration of recruitment programs, development of effective personnel administrations within County departments, recommendations in regard to the establishment and/or modification of County personnel functions and the issuance and distribution of administrative directives, interpretations, policies and other personnel materials necessary for the proper functioning and maintenance of procedures in accordance with the Hyde County Personnel Policies. The Human Resources Director is responsible for the establishment and maintenance of personnel records for County employees in all departments with the exception of the Department of Social Services and the Health Department. The Sheriff, Register of Deeds, Social Services Director, Emergency Services Director, and the Health Director are accountable for the maintenance of the formal personnel records in those Departments.

Section 8. Responsibility of Department Heads

Department Heads shall be responsible to the County Manager for recommendations and/or decisions for the appointment, suspension and removal of County employees assigned to their departments. The Department Heads shall be responsible to the County Manager for ensuring that all employees are thoroughly familiar with the provisions of the Hyde County Personnel Policy. The Health Director, Social Services Director, Sheriff and Register of Deeds are accountable for the appointment, suspension and termination of employees in their respective departments. Various departments of the County are authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the

approval of the County Commissioners or designee, and shall not in any way conflict with the provisions of the policy, but shall be considered as a supplement to the policy.

Section 9. Responsibility of Employees

Each employee shall be provided a copy of the Personnel Policies at the time of employment and shall sign a statement verifying receipt and acknowledgment of understanding of the policies. Employees are responsible for familiarity with the contents of this manual, which is intended to help guide them toward job behavior reflecting credit upon the employees as well as Hyde County. Employees are also responsible for following specific policies/procedures within each department as developed and implemented by the Department Head and approved by the County Manager. The most current copy of the Personnel Policy and any revisions will be published on the County's official website.

Section 10. Definitions

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

Aggregate Service. An employee's combined total period of countable service as an employee of Hyde County, inclusive of any time allowed as transfer credit from another jurisdiction for the purpose of determining entitlement to the particular benefit in question. Aggregate service for retirement purposes refers to total length of service under which the employee pays retirement contributions into the Local Government Employees Retirement System as well as for determining annual and sick leave accumulations.

Allocation. The assignment of a position to an appropriate salary range dependent upon the assigned duties and responsibilities of the position.

Anniversary Date. The employee's most recent date of employment with Hyde County service in a permanent position.

Applicant. One who places himself or herself in competition for a vacant position by virtue of completing and submitting an application for employment regardless of employment status.

Appointing Authority. Any County board or position with legal or delegated authority for making hiring decisions.

Appointment. The approved employment of an applicant or employee to perform the duties and responsibilities of an established position.

Class. Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which are assigned the same salary grade.

Classification Plan. A formal plan of structuring and ranking groups of classifications.

Complaint. A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application or lack of established policy pertaining to employment conditions. A complaint may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair supervisory or disciplinary practices, unreasonable work quotas or any other inequity relating to conditions of employment subject to the control of the County.

Cost-of-living Increase. An annual adjustment that may be made by the Board of County Commissioners to all pay ranges typically effective on July 1, the beginning of a new fiscal year.

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

Department Head. The highest level of supervision or top administrative official of a department of County government.

Employees Subject to the State Human Resources Act. An employee of the Department of Social Services, the Department of Health or the Office of Emergency Management receiving federal grant-in-aid funds and subject to the provisions of the State Human Resources Act, North Carolina General Statute 126.

Exempt Employee. Full- and part-time employees who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act who are paid for the accomplishment of assigned duties rather than being paid for the number of hours worked in a work period. These include executive, administrative and professional staff of the County.

Full-Time Employee.

1. Permanent – An employee, appointed to a permanent position, who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as regular full-time.
2. Temporary – An employee who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as a temporary full-time appointment to a temporarily established position or to function in a full-time, permanent position for a temporary period not to exceed twelve months.

General County Employee. A County employee assigned to a County department not subject to the State Human Resources Act.

Grant Funded Positions. Positions, which are supported wholly or in part by financial grants or other non-county monies. Individuals occupying such positions are appointed for a specified period of time to perform particular services on behalf of the County. Employees may or may not be entitled to County benefits, depending on the provisions of the grant and other County policies.

Grievance. A document that may be submitted by an employee as a rebuttal to an adverse action which results in a demotion, suspension without pay, dismissal, reduction in pay, harassment, retaliation, alleged discrimination, and/or denial of equal employment opportunity.

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

Immediate Family. Spouse, parent, guardian, child, brother, sister, grandchild and grandparent, as well as the various combinations of half, step, and adopted relationships that can be derived from those named.

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

Merit Increase. An increase in salary above the standard job rate based upon the employee consistently performing the assigned duties in an above average to outstanding fashion.

Mid-Point Salary Rate. The median salary rate between the minimum and maximum assigned to a salary grade.

Minimum Salary Rate. The minimum salary authorized by the pay plan for an employee within a salary grade.

Non-Exempt Employee. Full- and part-time employees who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines of this policy. Overtime is paid or compensatory time off is given to non-exempt employees for hours worked in excess of the standard work periods established by the County.

Part-Time Employee.

1. Permanent Part-time Employee – An employee appointed to a permanently established position who is regularly scheduled to work less than the standard work period established by the County, and is designated by the Board of County Commissioners as permanent part-time. A part-time employee who does not work at least 1000 hours a year is paid an hourly rate and is not eligible for benefits including participation in the Local Government Employees' Retirement System.

2. Temporary Part-time Employee – An employee appointed to a temporarily established position, who is regularly scheduled to work less than the standard work period established by the County, and is designated by the Board of County Commissioners as temporary part-time. Employee may also work in a permanently established position for a specified temporary period not to exceed twelve months.

Pay Plan. A schedule of pay ranges systematized into sequential grades, which consists of multiple steps assigned to any given range.

Permanent Appointment. An employee in a permanently established position who has satisfactorily completed a probationary period and/or a trainee appointment.

Permanent Employee. An employee who has satisfactorily completed the applicable probationary period of County service and has been approved for permanent status by his/her Department Head and/or County Manager. This applies only to the General County employees and not to the employees covered under the NC State Human Resources Act.

Permanent Position. A position which has been approved by the Board of Commissioners, in which the duties and responsibilities are required to be fulfilled on a continuous and recurring basis, normally requiring full-time employment of an individual.

Position. A group of current duties and responsibilities assigned by competent authority, requiring the full or part-time employment of one person. A position, even though unoccupied by an employee, may still exist.

Position Classification Plan. A plan approved by the Board of County Commissioners that assigns classes and positions to the appropriate pay grade.

Probationary Employee. An individual appointed to a permanent position who has served less than the probationary period in the position.

Probationary Period. The required period of time an employee serves before obtaining permanent status when entering County service.

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

Range Revision. One or more salary grades are assigned different minimum and/or maximum salary ranges; or when a classification is assigned a new pay grade based upon labor market data.

Reassignment. A change in status resulting from assignment of a position to a lower classification level. The action usually occurs as a result from a mutually agreed arrangement between management and the employee.

Reclassification. The reassignment of an existing position from one class to another based on changes in job duties, difficulty, required skill and responsibility of the work performed.

Reduction-in-Force. The abolishment of or reduction of a position or group of positions based upon organizational needs, workloads and funding.

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

Salary Plan. A schedule of pay ranges for each class assigned to any given salary range.

Salary Plan Revision. The uniform raising and lowering of the salary ranges of every grade within the pay plan.

Salary Range. The minimum and maximum salary for a given classification.

Salary Schedule. A listing by grade and steps of all the approved minimum to maximum salary ranges authorized by the Board of County Commissioners for various position classifications within County government.

Shift Work. The scheduling of hours by rotating hours worked other than eight (8) hours per day, Monday through Friday.

Standard Work Periods. Designated work periods for certain groups of specialized classifications within the County.

Temporary Employee. An individual appointed to serve in a position for a period of time typically not to exceed twelve months, usually for a specific project or assignment. A temporary employee is not subject to participation in benefits programs.

Temporary Position. A position in which the duties and responsibilities are required to be attended for a specific, short period of time, normally not to exceed twelve months, or for a specific project or assignment. A temporary position may be full-time or part-time.

Trainee. An employee appointed to a position in any class for which the Office of State Human Resources has authorized a "trainee" appointment and who does not meet the minimum education and experience requirements for the classification. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee shall be paid at a rate below the minimum of the regular class.

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

Work Against Appointment. When qualified applicants who meet education and experience requirements are unavailable, and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee to a position below the level of the position for which the applicant applied in a work-against appointment situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the desired position through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed.

Work Week. County employees who are assigned a seven (7) day work period that is defined from 12:00 am on Sunday to 11:59 pm on Saturday.

ARTICLE II

THE POSITION CLASSIFICATION PLAN

Section 1. Adoption

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

Section 2. Purpose

The position classification plan provides a complete inventory of all authorized and permanent positions in the County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the personnel policy are to be classified according to the assigned duties, responsibilities, qualifications needed and other required factors. The position classification plan shall be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions.

Section 3. Allocation of Positions

The allocation of a position is its assignment to a class containing all positions that are sufficiently similar in duty assignments to justify common treatment in selection, compensation and other employment practices. The County Manager and/or the County Human Resources Director shall allocate each position covered by the classification plan to its appropriate classification. The classification plan shall consist of position classifications which are comparable in complexity and duties and require similar knowledge, skills and abilities as well as education and experience requirements. Classifications are equitably compensated within the same range of pay under similar working conditions. Class titles are descriptive of the work of the class and written specifications for individual classifications are maintained. Proper documentation and justification of the class assignments are also developed with the proper utilization of specialized classification factors.

Section 4. Administration of the Position Classification Plan

The County Manager, or the Human Resources Director as 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 and Human Resources Director the need for new positions and significant changes in the nature of duties, responsibilities or working conditions affecting the classification of an existing position.

Requests for new positions must be presented for review and recommendations for approval/disapproval to the Hyde County Commissioners. The Human Resources Director may allocate the new position to the appropriate class within the existing classification plan or recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the County Manager or Human Resources Director identifies that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director shall submit the request to the County Manager for review and recommendation for approval/disapproval to the Hyde County Commissioners. After consultation with the Department Head, the approval for reclassification shall be implemented by revising the existing class specification, reallocating the position to the appropriate class within the existing classification plan or recommending to the County Manager that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Section 5. Amendment of the Position Classification Plan

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

Section 6. Exemptions

All positions within the Department of Social Services, the Health Department and the Emergency Services Director are exempt from this Article, The Position Classification Plan. All positions within the Department of Social Services and the Health Department departments must be reviewed and approved by the Office of State Human Resources.

ARTICLE III

RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of Hyde County to maintain a systematic, consistent recruitment program, to promote equal employment opportunities and to identify and attract the most qualified applicants for employment with the County. This policy is to be achieved by announcing position vacancies, by evaluating all applicants using the same criteria and by utilizing the local Division of Employment Security. The County maintains a policy of providing equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, marital status, citizenship status, veteran status, ancestry, genetic information, disability, age or political affiliation. Equal employment opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits and other terms and conditions of employment.

All personnel responsible for recruitment and employment will continue to review the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements are being actively observed to the end that no employee or applicant for employment shall suffer any discriminatory treatment. Notices with regard to equal employment matters shall be posted in conspicuous locations on County premises in places where notices are customarily posted.

Section 2. Recruitment and Employee Selection

The Recruitment and Employment Policy is to be achieved by centralizing procedures through the County Human Resources Department or in some departments, the designated department personnel specialist, announcing all position vacancies, evaluating applicants and applying testing methods if necessary. The Human Resources Director and personnel specialists are responsible for maintaining an active recruitment program which meets current and projected staffing needs, using procedures that will ensure equal employment opportunities based upon job-related requirements.

All Department Heads will be responsible for the hiring of employees in their respective departments and may confer with the County Manager on an as-needed basis; however, in all cases, the final hiring decision is that of the respective Department Head. Department Heads shall be responsible for recruiting qualified personnel for all vacant positions authorized by the operating budget of the Departments in County government, except when the Board of County Commissioners, upon the recommendation of the County Manager, freezes a vacant position.

Vacated positions shall be reviewed by the Department Head to determine necessary revisions in the current position description and shall submit appropriate requisitions, within operating budget and classification plan, to the Human Resources Director who shall review the requisition and forward to the County Manager for approval. Department Heads may obtain assistance from the Human Resources Director in the recruiting and selection process, as appropriate. The respective Department Head may coordinate with the Human Resources Director for vacancy postings with all other County departments, the Division of Employment Security (DES), local news media and/or other recruitment and selection functions. Department Heads or their designees will provide the Human Resources Director with information on job openings and ensure hiring practices are consistently implemented when working with organizations and other employment agencies.

Section 3. Position Vacancy Announcements

A description of the position being vacated must be reviewed for accuracy and the documentation of current duties and responsibilities. Recruiting announcements shall include information pertinent to the position involved, including at a minimum, the classification, primary duties, knowledge and skills requirements, minimum education and experience standards, the salary grade, contact person, special certifications and/or licensing requirements and application closing date. Employment advertisements will contain assurances of equal employment opportunity and will comply with federal, state and local statutes regarding discrimination in employment matters based upon sex, race, color, religion, national origin, genetic information and physical or mental disability.

Section 4. External/Internal Postings

The Hyde County Department Heads have the option of posting a vacated position internally within the department or they may choose to advertise outside the department. Any vacancy for which the Department Head wishes to consider outside applicants concurrently with the internal work force shall be listed with the local office of the Division of Employment Security. Optional recruiting publicity shall be carried out through the media, as appropriate.

Internal Posting – This option will allow Department Heads to offer their employees the first opportunity to apply for vacancies prior to having the posting on an external basis. Internal postings will include only those employees of the County of Hyde and will be posted for five working days. Candidates must submit their application to the Department Head and/or the County Human Resources Officer for the initial review of qualifications. All vacancies will be posted for a minimum of five working days.

External Posting – This option will allow management to advertise outside the Department and to consider assistance through the local Employment Security Commission, news media and other recruiting publicity resources. All positions must be posted for a period of seven working days.

Section 5. Employment Application

The Hyde County Employment Application shall be the standard application form accepted for the non-state position listings within the County except for the Health and Social Services Departments who require a state employment application (PD-107), and the Sheriff Department who requires a Sheriff Training Standards form F-3. All completed applications may be provided through the Hyde County Website or the Human Resources Department. All persons expressing interest in employment with the Department will be given the opportunity to file an application for all positions that are advertised. A separate application must be completed for each vacated and advertised position. It is also recommended that current employees applying for Department vacancies separate and document each position and its associated duties that the employee has performed since employment.

Any employee who knowingly and willfully discloses false or misleading information, or conceals dishonorable military service; or conceals prior employment history or other requested information, either of which are significantly related to job responsibilities on an application for employment with Hyde County, may be subjected to disciplinary action up to and including dismissal from employment. Dismissal shall be mandatory where the newly hired employee discloses false or misleading information in order to meet position qualifications.

Section 6. Qualification Standards

All applicants considered for employment or promotion shall meet the employment standards established by the Position Classification Plan and such other reasonable and appropriate minimum standards as may be established by the Board of Commissioners and the State Human Resources Commission. Qualification standards shall be reviewed periodically for purposes of determining whether they are commensurate with specified standards and conform to actual job performance requirements.

The Department Head is responsible for determining the vacancy-specific qualifications that are an addition to minimum class standards and will remain accountable for the adverse effects resulting from the use of qualification standards that are unreasonably construed.

Section 7. Application Tracking

The Department Head and/or his/her designee shall be responsible for maintaining records regarding job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process and the specific information relating to the pool of applicants considered for each position vacancy. Applications shall be maintained a minimum of two years after the position is filled.

Section 8. References

Efforts must be made to obtain valid information in regard to an applicant's work ethics and periods of employment by contacting former employers, supervisors and other resources who may provide information pertaining to the applicant's work history. Positive references should be obtained in all recruitment processes prior to employment. In those cases, where the Department Head or designee is unable to gather such information prior to employment, the applicant shall be formally notified in the offer and acceptance letter that his/her employment will remain contingent upon the receipt of positive references.

For positions requiring a special license, certification or registration, the Department Head or designee is responsible for verifying those credentials. Copies of the appropriate documents should be included in the personnel record. Department Heads may continue to request transcripts as appropriate to verify course work.

Section 9. Selection

The Human Resources Director and/or respective Department Heads or County Manager will develop, utilize and document, on a consistent and routine basis, a selection process which best suits the needs of each department and appropriately measures job performance in order to ensure that the best qualified candidate is selected for the vacant position. Such selection method shall include, at a minimum, a structured interview format that ensures all candidates are asked substantially similar questions, and that the answers to those questions are evaluated in good faith, in an objective, fair manner that provides a fair and equal opportunity to all candidates. The Department provides individuals with disabilities the reasonable accommodations they need to interview, which might include providing an accessible location.

An interview panel shall be established to conduct the candidate interview, evaluate relative qualifications and merits of each candidate. The interview panel will consist of management representatives within the respective department. All decisions as to selections of candidates to fill a vacancy will be supported by objective and detailed written documentation reflecting that all of the above policies have been met. In filling position vacancies, every effort should be made to promote qualified employees from within Hyde County.

The Department Head or personnel specialists will notify applicants deemed most qualified of selection and offer of employment and shall attempt to verify the status of credentials and the accuracy of statements contained in the application for each new employee within 90 days from the date of employment. Written confirmation will be provided to the selected applicant confirming a formal offer and applicant's acceptance. The offer will also address hire date, salary, probationary period, and other pertinent information. The documentation of offer and acceptance shall be placed in the employee's personnel record.

Section 10. Appointments

The Human Resources Director and a Department Head may coordinate efforts with regard to communicating job offers to applicants or employees for position vacancies. A Personnel Action form must be generated and forwarded to the County Human Resources Department. A copy of the Personnel Action form and other related information are maintained in the employee's personnel record. The appointing authority shall ensure proposed appointments, classifications, qualifications and salaries are in compliance with both state and local recruitment policies.

If the duties of the position include operation of County-owned or County-insured vehicle, the Department Head must conduct a review of the driving record of the individual to be hired prior to issuing an offer of employment. The record will become a part of the personnel file.

After a conditional offer of employment, employees in safety sensitive positions will be required to submit to a drug screen in accordance with the County's Drug Free Workplace Policy. Finalists who refuse to undergo drug screening will not be considered for employment.

The Sheriff, Emergency Services, Register of Deeds, County Director of Social Services and the Local Health Director shall appoint all employees within their respective departments. Their respective Boards shall appoint the County Director of Social Services and the Local Health Director. The Board of Commissioners shall appoint the Tax Administrator. The County Manager shall appoint all others.

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

Applicants selected for employment shall be notified in writing by the Department Head or their designee as soon as practical including any conditions of employment that may vary from routine policy. Information in regard to salary, classification and a probationary period should also be included in the offer letter.

Section 11. Employment of Relatives

The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist. No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the other's employment, promotion, salary administration or related management or personnel considerations. Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step and adopted relationships that can be derived from those named.

Section 12. Types of Appointments

Following are types of initial appointments that may be effected in Hyde County.

Probationary Appointment

Individuals receiving original appointments to permanent positions must serve a probationary period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. Persons being rehired after leaving employment in a permanent position shall be required to serve a probationary period. The probationary period for the new employee, not subject to the State Human Resources Act, shall serve a probationary period of not less than six months. Sworn law enforcement personnel and department heads not subject to the State Human Resources Act shall serve a six-month probationary period. Six months is the normal probationary period. However, an employee will not work less three months or more than nine months in the probationary period. Employees who assigned a temporary appointment may have that time credited toward their probationary period.

Employees subject to the provisions of the State Human Resources Act, must serve a probationary period of twelve consecutive months at which time he/she will earn property rights for his/her position and shall be separated for just cause and have the right to appeal any adverse action.

At any time during a probationary, intern or trainee period, an employee may be separated from service for causes related to unsatisfactory performance of duties or for unacceptable personal conduct detrimental to the County/Department without the right of appeal or hearing. The employee must be given notice of dismissal, including reasons.

Trainee Appointment

A trainee appointment may be made to a position in any class for which the specification includes special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the class.

The specification for each class in which a trainee appointment is authorized will define the minimum qualifications for the trainee appointment and the minimum qualifications for a regular probationary appointment. It is expected that the individual will progress through supervised experience to a minimum level of satisfactory performance in the position during the probationary or trainee period whichever is applicable. This limit does not include time spent on educational leave or additional time required to participate in a work-study program designed to meet educational requirements for the class. An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the class. After the employee has

successfully completed all educational and experience requirements, his/her status shall be changed to either probationary, permanent or career status, or he/she shall be separated.

If an employee with permanent or career status in another class accepts a trainee appointment, the permanent or career status will be waived for the duration of the trainee appointment. The employee can regain permanent or career status either through successful completion of the trainee appointment, by reinstatement to the class in which he/she previously held status, or by transfer to a position in a class for which he/she would have been eligible based on previous permanent/career status.

Permanent Appointment
A permanent appointment is an appointment to a permanently established position when the incumbent is expected to be retained on a permanent basis. Permanent appointments follow the satisfactory completion of a probationary and/or trainee appointment, or may be made upon reinstatement of a qualified employee.

Permanent Part-time Appointment
A permanent part-time appointment is an appointment to an established position for an indefinite period with a work hour schedule totaling less than the number of hours in the regular work week in the work unit in which the position is located. Permanent Part-time employees who work at least an average of 20 hours per week are entitled to annual leave and sick leave benefits earned on a pro-rata basis.

Temporary Appointment
A temporary appointment may be made to a permanent or temporary position. The appointment shall be limited to a maximum duration of twelve months not to exceed 1000 hours. The appointee must meet the minimum training and experience standard of the class to which initially appointed.

Emergency Appointment
An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived. An emergency appointment may be made for a period of up to sixty workdays, consecutive or non-consecutive, or a total of 480 hours in "pay status". Any one individual may not receive successive emergency appointments. At least three calendar months must elapse before the employee may serve another emergency appointment.

Work Against Appointment
When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on -the-job experience. The appointee must meet the minimum

training 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 training and experience requirements for the full class, and for the position in question. Employees are entitled to all benefits offered by the County.

Contractual Agreement
A contract is a working arrangement by written agreement between the Contractor and Hyde County for the utilization of special skills or services as required by the Department. All contracts shall be reviewed, pre-audited by the County Finance Director and County Attorney and approved by the County Manager. The Department shall comply with the provisions of the Internal Revenue Services in the determination of employee-employer relationships.

Section 13. Probationary Period

All Hyde County employees shall serve an initial probationary training period for a period of six (6) months. The probationary period is an orientation or training period during which employees can receive extra feedback while they learn a new job. The immediate supervisor, program/division manager or the Department Head will conduct periodic performance evaluations that allow the employee to remain aware of any work performance deficiencies. Performance evaluations should be initiated at the discretion of the Department Head and/or County Manager. Also, once an employee completes his/her probationary period, that employee will not be required to complete another probationary period if ever promoted or transferred to a different position within the Department. The probationary period shall be extended for the amount of time the employee is on approved leave without pay.

At the end of the designated probationary period, an employee who has not achieved the desired level of performance shall be separated. Service in a probationary period is "at will", and an employee may be dismissed for any reason. A probationary employee may be dismissed without the right of appeal, however, will receive formal written notification outlining the specific reasons for dismissal.

General County Employees, who complete a probationary period in a satisfactory manner, will be considered permanent employees. They will not be required to complete another probationary period if ever promoted or transferred to a different position within the Department. If an employee receives a promotion in another County Department, they must serve another probationary period in that new Department.

Section 14. Career Status

Employees of the Department of Social Services, Health Department and Emergency Services Director who are subject to the State Human Resources Act provisions, must work for twelve (12) consecutive months in probationary status before they gain a property interest that is protected by due process. Employees who have completed the

consecutive, twelve months of service have the right to formally appeal any adverse action.

Section 15. Promotion

A promotion is a change to a classification at a higher level. This may result from movement to another position or by the present position being reallocated to a higher classification as a result of increases in the level of duties and responsibilities. When it is feasible, a vacancy should be filled by promotion of a qualified employee. Candidates for promotion shall be chosen on the basis of their qualifications and their work records.

Section 16. Demotion/Reassignment

A demotion is a change in job responsibility to a position of lesser responsibility and a lower salary grade. Any employee whose performance in his or her present position is unsatisfactory or whose personal conduct is unacceptable may be demoted, provided the employee demonstrates the ability to become a satisfactory employee in another position. 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 unacceptable personal conduct. The employee must provide the request in writing.

If the change results from inefficiency in performance or as a disciplinary action, the action is considered a demotion. If the change results from a mutually agreed upon arrangement, the action is considered a reassignment. When an employee is demoted, it is expected that he/she will possess the minimum qualifications required for the new class at the respective level of appointment.

Section 17. Transfer

If an employee is eligible for a transfer and wishes to be considered for an appointment to a vacant position within a Department, a written request made by the employee should be forwarded to the Department Head. An application must be completed, and the employee must meet the minimum qualifications for the position he/she has requested.

ARTICLE IV

THE PAY PLAN

Section 1. Adoption

An annual salary schedule, reflecting both grade levels and steps as approved by the Board of Commissioners, is hereby adopted as the Pay Plan for Hyde County. The salary schedule may consist of a Hiring, Minimum, Midpoint and Maximum rates of pay for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

Section 2. Maintenance of the Pay Plan

As delegated by the County Manager, the Human Resources Director shall be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation of all positions when considered in relation to each other, general rates of pay for comparable employment positions in the private and public sector in the area, changes in the cost of living, the financial conditions of the County, and to other factors deemed relevant by the County. To ensure equitable compensation, the County Manager or Human Resources Director shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners such changes in salary ranges as are warranted. The Board shall adopt the Salary Schedule and assignment of job classes to salary grades.

Section 3. Administration of the Pay Plan

The Pay Plan is intended to be administered in a fair and systematic manner in accordance with work performed by County employees. It is intended that, to the extent possible, the pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities and shall recognize performance as the basis of pay increases within the established pay range. The Pay Plan shall meet the requirements of the State Human Resources Commission for employees subject to the State Human Resources Act, while maintaining a systematic, countywide plan.

Section 4. Transition to New Pay Plan

The following principles shall govern the transition to Pay Plan:

A. No employee shall receive a salary reduction as a result of the transition to a new pay plan.

B. All employees being paid at a rate lower than the minimum rate established for the respective class shall have their salaries raised to the new minimum for their respective classes.
C. All employees being paid at a rate below the maximum rate established for their respective classes must be paid at a rate within the salary range.
D. All employees being paid at a rate above the maximum rate established for their respective classes may be reclassified to a new salary grade.

Section 5. Implementation of the Pay Plan

The performance evaluation system shall be designed to facilitate fair and equitable pay decisions based upon the needs of both management and the employee. Salary ranges are intended to permit, to the extent possible, the recognition of individual performance. The following provisions shall govern the granting of pay increments within specific salary ranges:

Hiring Rate/Starting Salary.
Employees will typically be hired at the hiring rate of their assigned Salary Grade. Appointments above the Hiring Rate may be made with the approval of the County Manager when deemed in the best interest of the County, based on such factors as superior qualifications of the applicant or a shortage of qualified applicants available at the hiring rate. Department Heads provide written justification to the County Manager who may approve the new employee's salary to beyond the Hiring Rate of the salary range depending upon the justification. The County Manager strives to maintain salary equity within the County and may approve beginning salaries above the Hiring Rate of the respective salary range up to the midpoint. Salary requests above the midpoint must be submitted to the Hyde County Board of Commissioners for approval.

Probationary Pay Increases
Employees hired into the Hiring Rate of the salary range shall receive a salary increase within the salary range of approximately 5% upon successful completion of the probationary period. Employees who have been promoted do not serve another probationary period. Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after six months of successful employment. Employees hired above the Hiring Rate shall receive a 2.5% increase when removed from probationary status.

Employee Performance Review

A Department Head may delay granting a salary adjustment or an increase in cases where an employee has been absent from work due to a prolonged sick leave, leave without pay, Workers' Compensation or any other authorized leave. This action will allow the Department Head and Supervisor to adequately evaluate the employee's performance at the time of reinstatement.

Section 6. Pay Status

An employee is in pay status when working and when exhausting annual and sick leave. An employee is not in pay status while on unapproved or approved leave without pay, or after his/her last day of work when separated from employment because of resignation, dismissal, retirement, reduction-in-force or death.

Section 7. Pay Periods

The County maintains a monthly pay period. Employees will be paid at the end of the month. The normal pay period ends the last working day of the month. Any employee who is paid for time not worked or otherwise receives compensation that is not due him/her shall have such over-payment deducted from his/her check in the following pay period.

Section 8. Payment Within the Salary Range

All employees covered by the pay plan shall be paid at a rate within the salary range established for their respective job classes except for employees in a trainee status. This applies to all reclassifications, revisions, etc.

Section 9. Salary of a Trainee

An applicant hired or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, must be appointed at a rate below the Hiring Rate salary established for that position. Employees who are subject to the State Human Resources Act will be designated as "trainees" in accordance with the rules and regulations established by the Office of State Human Resources. All other County employees shall be designated "trainees" based upon recommendations of the Department Head with the approval of the County Manager and/or the Human Resources Director. Employees in a trainee status shall continue to receive a reduced salary until the appointing Department Head and the Human Resources Director determine the trainee is qualified to assume the full responsibilities of the position. This decision is made in accordance with information provided in the Hyde County Classification Specification.

An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the classification. After the employee has successfully completed all educational and experience requirements, he/she shall be given a probationary, permanent or career status appointment or shall be separated.

If an employee with permanent or career status in another class accepts a trainee appointment, the status will be waived for the duration of the trainee appointment. The employee can regain permanent or career status either through successful completion of the trainee appointment, by reinstatement to the class in which he/she previously held

status, or by transfer to a position in a class for which he/she would have been eligible based on previous status.

A former employee who does not meet the minimum requirements of the class to which he/she is being appointed shall be given a trainee appointment. All requirements for the trainee appointment must be satisfied prior to attaining permanent or career status as long as the classification of the position has a trainee provision.

Section 10. Salary for a Work-Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training 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 training and experience requirements for the full class, and for the position in question. The salary for an employee in a work-against appointment may be made at any step within the salary range of the lower classification and may even exceed the minimum of the salary range assigned to the higher classification.

Section 11. Pay Rates for a New Appointment

Individuals receiving original appointments to permanent positions must serve a probationary period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. Employees who qualify for the classification for which they are hired will typically receive the minimum rate of their assigned salary grade. Exceptions will be made in accordance with information above in Hiring Rate/Starting Salary.

Employees who successfully complete the probationary period shall receive a one-step salary adjustment (2.5%) at the end of their probationary period. Trainees' salary adjustments shall be delayed until such time as the trainee progression is completed.

Section 12. Pay Rates in Promotions, Demotions, Transfers and Reclassifications

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

A. When a promotion occurs, which involves movement to a new salary grade, and employee's salary is below the Hiring Rate of the entry level of the new salary grade, the employee's salary shall be increased at least the Hiring Rate or to a salary which provides an increase of at least 5% over the employee's salary prior

to the promotion, provided the new salary does not exceed the Maximum rate of the new salary range.

B. If an employee is demoted as a result of a reclassification and the employee's current salary is above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring the salary within the lower range. If an employee is demoted for disciplinary reasons, the employee's salary will be reduced to any step in the lower salary range as long as the reduced salary does not fall below step one of the salary rate of that range but by at least 5% but no more than 12%. When an employee requests a voluntary demotion, the employee must accept a salary adjustment to a step within the lower salary range as determined appropriate by the Department Head and as approved by the Human Resources Director and/or County Manager. The employee shall receive a letter confirming the appointment to the lower-level position and the newly assigned salary as well as a position description outlining the revised duties and responsibilities.

C. When a transfer occurs from a position in one class to a position in another class assigned to the same pay grade, the employee may continue to receive the same salary. In cases where the employee transfers from one Department to another within the County, the employee may receive a salary adjustment dependent upon a significant change in duties and responsibilities. The employee shall be required to serve another probationary period when transferring to another County Department.

D. A reclassification is the reassignment of an existing position from one classification to another based on job content such as duty, kind of work, level of difficulty, decision-making responsibility, required skill and education as well as accountability for work being performed. Reclassifications impact individual positions only. When an employee's reclassified position is assigned to a higher salary range, each employee shall have his/her salary increased to the minimum of the new salary range. If the employee's current salary is already above the minimum salary rate, his/her salary may be adjusted at least by 5%.

Section 13. Pay Rates and 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 and an employee's salary in that class is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to the minimum of the range of the newly assigned class. If the employee's salary is already at or above the new minimum of the range, the Board of Commissioners may elect to increase

the salary within the range. An employee's salary may not exceed the maximum of the range in the newly assigned class.

B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged.

Section 14. Pay for Part-time Work

Compensation of any employee appointed for less than full-time service shall be computed based on the ratio of the hours actually worked by the part-time employee in relation to the corresponding salary the employee would earn and hours the employee would work if he or she were full-time. Compensation of any employee working in a part-time hourly appointment will be computed based on the rate approved during the budget for that particular fiscal year. All temporary or hourly employees are not eligible for holiday pay, sick or annual leave. All employees who work less than the standard work period established by the County will be covered by Workers' Compensation and Social Security. For employees who work an average of 30 or more hours per week, medical insurance will be offered to them on a pro-rated basis. Other benefits may or may not be applicable. Under no circumstances, will part-time employees exceed working 1000 hours per year.

Section 15. Salary at Separation

The regular payroll check for the current month, in which the employee is separated, will typically include annual leave and overtime amounts due. Salary will be provided to the employee during the month of separation. An employee who separates employment with the County will receive a deduction in final pay if there is a negative balance in sick leave or annual leave.

Section 16. Fair Labor Standards Act

Hyde County abides by all applicable sections of the Fair Labor Standards Act and the North Carolina Wage and Hour Act. Each supervisor is responsible for insuring that applicable overtime accrued for each eligible employee is accurately recorded. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. One 15 minute break at mid-morning and one 15 minute break at mid-afternoon may be authorized by the immediate supervisor and/or Department Head if service needs or other Department requirements permit. Breaks are not an entitlement but a privilege and are counted as work time. Breaks may not be used in conjunction with lunch breaks, starting time or quitting time. Employees are not to perform work during set meal periods or at any time that they are not scheduled to work unless they receive advance approval from the Supervisor or Department Head, except in cases of emergency. An emergency exists if a condition arises that could result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

Section 17. Exempt and Non-Exempt Designations

Certain employees are exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees include executive, administrative and professional employees as defined by the Fair Labor Standards Act and as designated by the Department Head, County Manager or Human Resources Director. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved. Exempt employees are expected to work the hours required to accomplish their duties rather than being paid for the number of work hours in their official workweek. Exempt employees may not be paid for hours worked in excess of their regularly scheduled work period.

When specific, extraordinary working conditions warrant, such as extreme weather conditions, acts of terrorism, declaration of state of emergency, the County Manager will authorize exempt employees to accrue and be paid for overtime on an hour for hour basis. Employees approved to be paid overtime during these conditions must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken. Overtime will be paid on an hour for hour basis and may not be transferred to an annual or sick leave account, transferred to another employer/employee, nor accumulated to be taken at a later date. Overtime is based on hours worked over 40 in a workweek or 171 for a 28-day work period for law enforcement personnel.

All other employees are considered non-exempt and are subject to the Fair Labor Standards Act. Employees shall receive compensatory time at one and one half times hours worked over a 40- hour workweek. The County shall make payment of accumulated compensatory time upon separation of the employee. In other situations, the employee may be paid for accumulated compensatory time contingent upon the Hyde County Board of Commissioners' approval. Accumulation of more than eighty hours of compensatory time is discouraged. Non-exempt employees may accumulate up to 80 hours of compensatory time. Non-exempt employees separating from employment shall be paid for their compensatory time balances.

Information, which provides exempt and non-exempt designations, may be located in the County Human Resources Department. These designations are based upon the current definitions provided by the Federal Wage and Hour Division.

Section 18. Overtime for FLSA Non-exempt Employees

All employees governed by the Fair Labor Standards Act shall maintain, true, complete and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the Supervisor in a timely fashion. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday or workweek, except in those cases where excessive hours of work are necessary. All overtime worked must be pre-approved by the Department Head except in emergency situations when conditions are such that prior approval cannot be obtained,

and in such event approval shall be obtained immediately subsequent to the emergency overtime worked, except when overtime is mandated by scheduling. All overtime must have approval by the respective Department Head.

A. FLSA Overtime and FLSA Straight Time

Employees shall be awarded compensatory time in lieu of payments at a rate of time and one-half for hours worked over 40 hours in the same work week.

The following categories of employees shall be treated as follows:

Law Enforcement Personnel

Law enforcement personnel shall be awarded overtime at time and one-half when the hours worked in a 28-day work period exceed 171 hours, and at straight time for hours worked in a workday over the regular schedule when total hours are not in excess of 171 hours in the 28-day period. Overtime is paid for hours worked exceeding 171 hours for scheduled training, school or court appearances.

Emergency Medical Personnel
Employees are paid for total hours worked. Anything in excess of 40 hours shall be paid as overtime.

Communications Personnel
Employees are paid for total hours worked. Anything in excess of 40 hours shall be paid as overtime.

Other Employees
Employees whose work schedules are other than those set forth above shall be awarded compensatory time consistent with the FLSA. Compensatory time may be accrued up to a maximum of 80 hours.

B. Hours Worked

Hours worked is the time for which an employee is entitled to compensation under the FLSA. Compensation is required for the time an employee is required to be on duty, on the employer's premises or at a prescribed workplace and for the time the employee is suffered or permitted to work, whether or not requested to do so.

1. Annual, sick and holiday leave will not be considered hours worked for FLSA purposes.
2. If a non-exempt employee is required to work on a County designated holiday, the hours worked on that day will be paid at straight time and the employee will receive the number of hours of sick leave as were actually worked. (ie., employee works 1 hour, will receive 1 hour of sick leave).

3. Training-related time, either to increase efficiency or as required by the employer, is counted as hours worked for purpose of calculating overtime.
4. Travel time, which is required by the County other than the normal commuting time between home and job, is considered hours worked for the purposes of calculating overtime.
5. Employees or classes of employees may be granted standing authorization of overtime payments by written authorization of the County Manager.
6. Employees shall not volunteer to work overtime without receiving compensation. In no case shall an employee work in another department without prior approval from his/her Department Head.

Section 19. On Call Duty

The County provides continuous twenty-four hours a day, seven days a week service to its citizens. Any County employee, as a condition of employment, may be required to respond to any reasonable request for duty at any hour of the day or night. An employee who fails to respond to reasonable calls for emergency service may be subject to disciplinary action up to and including dismissal by the Department Head.

On Call or standby time consists of scheduled non-work hours in excess of the standard work period when an employee is required to remain available for call back to work on a regularly scheduled or emergency basis and must respond in a timely manner. On call schedules must be approved by the Department Head.

An employee will be compensated for on call time if he or she must remain near an established telephone or otherwise restrict personal activities.

Call back time consists of actual time spent when called back to work to address an emergency situation. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. Call back provisions do not apply to previously scheduled overtime work scheduled in advance.

Section 20. Cost-of-Living Increases

Employees' wages may be reviewed annually and possibly adjusted with a percentage cost of living increase. Such adjustments will depend upon the availability of funding and will be subject to the approval of the Board of Commissioners.

The Board of Commissioners may also consider and approve a one-time payment, dependent on the availability of funding, for all County employees. The Hyde County Board of Commissioners will approve effective dates for cost-of-living increases.

Section 21. Pay for Interim Assignments

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the Hiring Rate of the job in which the employee is acting or an increase of 10%, whichever is greater. The salary increase shall be temporary and the employee shall return to his/her original salary prior to the interim assignment.

Section 22. Longevity Pay

Annual longevity payments will be made in accordance with the Longevity Pay Policy to all permanent, career status, full-time employees who have completed five years of continuous employment with Hyde County. Service must be continuous including any approved leave. Employees will receive a lump sum payment in December or as designated by the County Manager. Longevity benefits shall not be awarded for time previously worked with transferring agencies and will specifically be provided for full-time employment in Hyde County.

A schedule of Longevity Pay Benefits is addressed below.

Years of Service as of December 1	Longevity Payment
At least 5 years but less than 10 years	$ 400.00
At least 10 years but less than 15 years	600.00
At least 15 years but less than 20 years	800.00
20 or more years	1,000.00

Section 23. Salary Adjustments for Credential Completion

In some cases the Department Head may grant a salary adjustment to employees who have successfully completed certain required trainings, certifications or other work related requirements.

Section 24. Payroll Deductions and Complaint Procedure

Federal and State income taxes, Social Security taxes and retirement contributions shall be payroll deductions authorized by law.

Complaints regarding alleged improper salary deductions must be made to the Human Resources Director/Payroll Officer, who will initiate an investigation to determine whether deductions taken, if any, were improper, and will advise the employee accordingly, fully reimburse the employee for any improper deductions and take all measures necessary to ensure that no further improper deductions are made. Likewise, any overpayments made to employees will be deducted from the employee's paycheck in the following pay period once any overpayment has been identified.

ARTICLE V

CONDITIONS OF EMPLOYMENT

Section 1. Code of Ethics

It is the responsibility of Hyde County employees to insure that all citizens, clients, patients and co-workers are treated with dignity and respect without regard to race, sex, age, religion, disabilities, genetic information, political beliefs, economic conditions or national origin. Employees shall strive to increase accessibility of all services and resources including providing a prompt and professional response to identifiable needs of consumers and the general public. Employees shall ensure the rights of those served are observed with privacy and with appropriate and professional care.

Employees shall conduct themselves in accordance with widely accepted professional standards of behavior and shall perform their duties in compliance with laws, statutes, and regulations relevant to the operations of Hyde County. The proper operation of County government requires that pubic officials and employees be independent, impartial and responsible to the citizens; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain and that the public have confidence in the integrity of its government.

Section 2. Workweek

The standard workweek for most Hyde County employees will be from 8:00 am until 5:00 pm Monday through Friday with one hour permitted for lunch. Exceptions may be made if authorized by the County Manager or the activities of a particular department require some other schedule to meet the needs of the County (ie. EMS, Sheriff, Solid Waste, Water, etc.). A workweek shall be defined as follows: From 12:00 am Sunday through 11:59 midnight on Saturday for all employees.

Section 3. Gifts, Tips, Favors and Gratuities

No official or individual employee of the County shall accept any gift, whether in the form of a service, a loan, a thing of value, or a promise from any person, firm or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County. Gifts of a general nature (cookies/fruit baskets at Christmas, etc.) for all employees are appreciated, but if the value is $100 or more the gift will be refused.

No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

No official or employee shall grant any improper favor, service or thing of value in the discharge of duties.

Gratuities shall be refused by all County officials and employees.

Section 4. Conflict of Interest

Hyde County employees shall conduct themselves in their public employment and in their personal transactions in such a manner as to merit public confidence in their performance and profession. Employees are prohibited from engaging in any public or private activity which presents a conflict of interest or which could be reasonably interpreted as a conflict of interest.

Conflict of interest is defined as any condition, circumstance, event or transaction in which a public employee's prospect of actual or potential personal gain results in the public employee acting in his or her own interest rather than in the public interest. Even when the potential for personal gain seems remote, the mere appearance of a conflict between public and private interests may undermine public confidence in the County, its administrators and employees. Therefore, it is imperative that employees and administrators avoid conduct and situations that could represent the pursuit of personal gain at the expense of or in conflict with the public interest.

Employees shall not use County supplies, equipment, vehicles or facilities for any private enterprise or personal convenience. Equipment, supplies, materials and tools purchased by and for County business may not be removed from the County premises except where authorized in the conduct of official duties.

Employees shall not disclose to others or use to further their personal interests any confidential information acquired by them in the course of their official duties. Employees shall not endorse commercial products or services or any private enterprise where there exists, directly or indirectly, a personal or family economic interest whether or not such endorsement is for compensation. Employees shall not grant any special considerations, treatment or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

Participation by an employee in a sexual or romantic relationship or in any way initiating, soliciting or encouraging such a relationship with a client, vendor or employee shall be grounds for the immediate termination of employment for reasons of unacceptable personal conduct. Employees shall not invest nor hold any investment directly or indirectly in any financial business, commercial or private enterprise that creates a conflict or is incompatible with their official duties. Employees may purchase products and services from companies affiliated with the County so long as the employees do not use their employment with the County as the basis for eligibility for discounts, loans, favors or other personal benefits not routinely available to customers of those companies. Employees are specifically prohibited from giving or lending money or other items of value to any client and from borrowing or receiving money or other items of value from any client or vendor.

Section 5. Political Activities

Every Hyde County employee has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee, outside work hours, 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 of the United States of America.

However, no County employee shall, while on duty, do the following:

1. Engage in any political or partisan activity;
2. Use official authority or influence for the purpose of interfering with or affecting the results of an election of a nomination for office;
3. Be required, as a duty or conditions of employment, promotion, or tenure to contribute funds for political or partisan purposes;
4. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
5. Use County funds or property for political or partisan purposes.
6. County employees may be a candidate for nomination or election and may accept positions on local boards and other local officer positions as long as that position does not interfere with the County position he/she may occupy, and the local officer position is non-partisan.

Local Government Employees subject to State Human Resources Act and employees in certain federally aided programs are subject to the Hatch Act, as amended. The federal act, in addition to prohibiting activities as set forth in all above, also prohibits candidacy for elective office in a partisan election. Any violation of this section may subject the employee to disciplinary action up to and including dismissal.

Section 6. Drug Free Workplace

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties. All employees may be subject to random drug testing. Refusing a random drug test will be viewed as a resignation from the position held.

Definitions

"Reasonable Suspicion" means a belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of illegal drugs while at work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to: observable occurrences, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug; a report of drug use by an employee while at work, provided by a reliable and credible source; slurred speech, glossy eyes, flushed face,

smell of alcohol, absences on Fridays and Mondays, a pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs; or evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working or while on the County's premises or operating or in possession of a County vehicle.

"Approved Laboratory," means a laboratory certified to perform drug screening or testing by the National Institute on Drug Abuse (NIDA), which also meets the requirements of N. C. General Statute Section 95-231(1).

Prohibited Conduct

The following conduct is prohibited under this policy:

1. The unauthorized use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
2. Reporting to work or working while under the influence of illegal drugs, non-prescribed drugs or alcohol, on County premises or any County work area, in County vehicles, or while on County business.
3. The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
4. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place. Conviction of any criminal drug or alcohol statute at any time or place—for some positions, to be evaluated on a per case basis for relevancy to job.
5. Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.
6. Failure to notify the employee's Supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
7. Refusal to immediately submit to an alcohol and drug test when requested by a Supervisor and/or Department Head, in accordance with this policy.
8. Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
9. Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

The foregoing is not intended to be an exhaustive list of conduct prohibited by this policy.

Drugs to be Tested

When drug screening is required under the provisions of this policy, a blood, urine, or breath test will be conducted to detect the presence of drugs, including but not limited to:

amphetamines, alcohol, barbiturates, benzodiazepines, cocaine, methaqualone, opiates, phencyclidine (PCP), propoxyphene, THC (Marijuana), and any other controlled substance as defined in North Carolina General Statute Section 90-87(5), as amended. For purposes of this drug testing policy, alcohol is considered a drug. Any employee found to have abused prescription drugs would be subject to the terms and conditions of this policy.

Prescription Medication Use

Employees using medications prescribed by a physician that have stated side effects with the potential to significantly affect or impair work performance shall be responsible for notifying their Supervisor of such potential. An employee need not give the Supervisor specific medical information, but the employee should inform their Supervisor of the potential impact of any medication on job performance to allow the Supervisor to evaluate and determine the appropriate course of action.

Supervisors shall be encouraged to monitor employee behavior and assess possible warning signs indicating that the employee's work performance while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for serious concern with regard to the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or compensatory leave, if applicable or leave without pay if all paid leave has been exhausted pursuant to any applicable County policy for all time away from work, until such time the employee can safely return to work.

Applicant Testing

Safety sensitive applicants selected for employment are subject to the testing provisions of this program. All selected applicants for employment will be provided with written notification of this drug testing policy, and a pre-employment drug test will be conducted on all applicants offered positions with Hyde County. Applicants will be formally notified in an offer letter that their employment with Hyde County will be contingent upon negative test results.

Applicants scheduled for a pre-employment drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know.

The County shall also require pre-employment drug testing in cases of temporary employment or part-time employment as well as a Commercial Driver's License (CDL) to perform the duties as an employee of the County and persons performing transit related safety sensitive functions using vehicles.

Current Employee Testing

All employees are scheduled to be randomly drug tested, but Department Heads who have reasonable suspicion (as defined herein) that an employee in his/her department is using or under the influence of drugs, is authorized to schedule a drug test and require the employee to cooperate fully with testing personnel.

Before a drug test is administered, the Drug Testing Facilitator shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. The consent form shall also set forth the following information:

(a) The procedure for confirming an initial positive test result;
(b) The consequences of a positive test result;
(c) The right of an employee to explain a positive drug test result and the appeal procedures available; and
(d) The consequences of refusing to undergo a drug test.

An employee who refuses to consent to a drug test, will be recommended for, and is subject to, dismissal.

An employee must submit to a drug test following an on-the-job accident or other occurrence that involves one or more of the following events: a fatality, a serious injury to an employee or other individual, damage to vehicles or other property, or if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. All County paid travel will be suspended until drug test results are returned. An employee may also be tested after a series of minor on-the-job accidents or injuries as determined by the Department Head.

The Test

Normally a urine, breath, and/or blood test will be used to determine the presence of drugs. All personnel involved with the sample collection, transporting and testing, will maintain a strict chain of custody. Tests will be made in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws.

If a test result is positive and after informing the County Manager, the Human Resources Director or Department Head will notify the employee or applicant in writing. The letter of notification shall identify the particular substance found. Such an applicant or employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended.

A certified toxicologist of the approved laboratory as listed above will determine the content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug.

Consequence of a Positive Test Result

An applicant shall be denied employment if his/her drug test is positive. An employee, who has a positive drug test result, following the Department Head informing the County Manager, shall be immediately terminated.

Use of Results in Criminal Action

No test results of the County's drug testing program may be used as evidence in a criminal action against the employee or job applicant except by order of a court of competent jurisdiction or otherwise as required by law.

Notification of Conviction

Each employee shall notify his or her Supervisor of any charge or conviction for being in violation of any criminal drug statute no later than two days after being charged or convicted with a drug violation. The County Manager and the respective Department Head may place an employee who has been charged with violating a crime involving drugs on Investigation with Pay until such time as pertinent details have been researched. It is not recommended that management place an employee on long periods of Investigation with Pay pending criminal court action. Department Heads are encouraged to research the circumstances and make a decision based upon available facts.

Additional Standards

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Council will be subject to the drug testing policies and procedures of the Council.

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements or who operate or maintain transit vehicles purchased with federal funding. Such tests will be conducted in accordance to federal guidelines and will include the following:

1. Pre-employment testing for controlled substances.
2. Testing upon reasonable suspicion of alcohol or drug use;
3. Post accident testing within two hours of an accident that involves:
   a. A fatality; or
   b. The County driver receiving a citation and/or contributing to the cause of the accident and/or the accident results in any personal injury and/or a vehicle is required to be towed from the scene.

Inspections and Searches

When there is reasonable suspicion, the County reserves the right to search employer-owned items used by employees (e.g., desks, lockers, vehicles, equipment, etc.), and

employees should not expect privacy in these containers. The employee's Supervisor or Department Head and a witness may conduct search efforts.

Enforcement

The Supervising Party and/or Board are responsible for the proper application of the procedures in their departments and for holding Supervisors accountable for the daily implementation of this policy. Department Heads and Supervisors shall be responsible for identifying abuse-related behavioral and performance problems, following the proper referral for testing, and taking appropriate disciplinary measures. Failure to take action when the Supervisor has reasonable cause to believe an employee is impaired while at work will result in disciplinary action being taken against the Supervisor. If in doubt about what action to take, the Supervisor should consult with the Department Head, the County Manager or the Human Resources Director. Supervisors shall make every effort to protect the privacy, confidentiality, and dignity of employees by minimizing the number of employees who learn of suspicions involving a co-worker's possible substance abuse or actions taken against that employee.

Alcohol and drug free workplace issues in the Sheriff's Office will be the responsibility of the Sheriff. The Sheriff will be responsible for reporting tests results as required to the North Carolina Sheriff's Education and Training Standards Commission on employees holding certification from that Commission.

Section 7. Personal/Professional Demeanor

All employees are required to keep themselves neat, clean and groomed in a professional manner. All employees shall present a professional appearance appropriate to their position, proper for the work activity and in a manner which reflects favorably upon the County. Employees shall by virtue of their speech, dress, mannerisms and any other observable behaviors, promote a general atmosphere of respect for the general public and fellow employees.

Section 8. Dress Code

In an effort to maintain an excellent overall appearance at all times, each County employee is expected to present himself or herself in a professional manner and should consider their attire for appropriateness. While each employee is allowed to use reasonable judgment to determine what appropriate professional attire is, the Department Head or designee has the authority to deem dress or appearance unprofessional and can require the employee to immediately make changes in dress or appearance. Employees that consistently abuse the Dress Code Policy are subject to disciplinary action up to and including termination of his/her employment. Department Heads and Supervisors are encouraged to discuss overall expectations in regard to appropriate work attire and assist employees in understanding what is not acceptable. Department Heads, upon receiving prior approval from the County Manager, may modify the above-referenced policy for an entire Department based upon valid reasons for specific situations.

Section 9. Solicitation

Hyde County prohibits solicitation for the sale of goods or services by employees or others on premises owned or operated by the County. Staff are not allowed to solicit donations for the Department or program they represent or the County without the knowledge and approval of the respective supervisor, Department Head and County Manager. All solicited funds or merchandise solicited on behalf of the County must be submitted to the County Finance Officer. No solicited funds are to be maintained outside the County's accounting system.

Section 10. Possession of Firearms, Weapons

Possession of unsecured firearms, weapons or any items that may be used as weapons are prohibited on property owned or operated by the County. All employees are subject to this provision, including contract workers and temporary employees as well as visitors and customers on company property, except Law Enforcement Officers. A license to carry the weapon on company property does not supersede company policy. Violators of this policy will be subject to disciplinary action, up to and including dismissal.

Section 11. Prohibited Use of County Property

Hyde County equipment, including filing cabinets, bookcases, desks, storage containers, electronic data processing equipment, furniture, vehicles and all other equipment available to and/or assigned to employees are intended for the official use and in the completion of assigned tasks of County employees. Supervisors, Department Heads and, as appropriate, other designated employees have unrestricted and unlimited access to this equipment and furniture and contents at any time, for any reason. Each employee is advised to use caution and sound judgment concerning the placement of personal items in offices, desks, equipment and other property of the County. The County assumes no responsibility for missing personal items. Employees are strictly prohibited from co-mingling personal records or property with official County records or property. Under no circumstances shall an employee store illegal drugs or alcohol, flammable materials, explosives, weapons or any items intended for use as weapons in one's office or other official environment. Personal storage spaces may be subject to search and seizure by law enforcement officers upon reasonable suspicion of possession of illegal substances and/or weapons. Any violation of this policy will result in disciplinary action up to and including termination of employment.

Section 12. Confidentiality

No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member or any other private or political interest to the detriment of the County. No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract

negotiations, litigation related matters or other affairs of the County which are afforded protection under State law.

A violation of confidentiality shall be grounds for immediate dismissal for reasons of unacceptable personal conduct.

Section 13. Risk Management

Any County employee having knowledge of or a reason to know of a potential issue which may become problematic or may result in some form of litigation for the County, must notify their immediate Supervisor who in turn, shall notify the Department Head. Such issues include, but are not limited to, reports or threats of litigation, and any other situation which may present a potential liability to the County. County employees shall not testify in court without a valid subpoena or court order, or as directed by the County Manager and/or County Attorney.

Section 14. Employee Responsibility to Report Evidence of Fraud or Violation of Laws

It is the policy of Hyde County that employees are required to report verbally or in writing to their immediate Supervisor, Department Head or Human Resources Director evidence of activity by another employee or County contractor constituting:

1. A violation of State or Federal law, rule or regulation;
2. Fraud;
3. Misappropriation of Hyde County resources;
4. Substantial and specific danger to the public health and safety; or
5. Gross mismanagement, a gross waste of monies or gross abuse of authority.

Further, it is the policy of Hyde County that no employee reporting evidence of such activity in good faith shall be retaliated against in any fashion for having done so.

Section 15. Smoking and Smokeless Tobacco Products Policy

It is the policy of Hyde County that smoking and the use of smokeless tobacco products are prohibited in any portion of any indoor facility owned, leased, operated, occupied, managed or controlled by the County and in any vehicle owned or leased by Hyde County. Employees are prohibited from smoking or using smokeless tobacco products in a personal vehicle while transporting clients and/or citizens within the County. Smoking is not permitted within 25 linear feet of all County facilities and buildings unless otherwise prohibited. Violation of this policy shall constitute an infraction punishable by a fine and not more than fifty dollars ($50.00).

Section 16. Safety

The County is committed to providing a safe and healthy workplace for all its employees. The County complies with all applicable requirements issued by the federal and state

Occupational Health and Safety Administration. Management and all employees working in the County share the responsibility for the success of the safety and health program. The objective of the safety and health program is to reduce or eliminate disabling injuries and illnesses. It is the policy of the County to exercise all precautions necessary to protect employees from accidents. Employees are expected to take an active role in promoting workplace safety. If an employee witnesses an accident or an unsafe working situation, he or she must report it promptly to his or her Supervisor, Department Head or the County Safety Officer. Employees should take note of where the fire extinguishers, first-aid kits and emergency exits for their Department are located. For more information on safety and health procedures, employees should contact the Department Head or the County Safety Officer.

Employees shall follow the safety policies and procedures, attend safety training programs and must immediately report all work related injuries or occupational diseases to their Supervisor and/or Department Head. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 17. Americans with Disabilities Act

It is the policy of Hyde County to comply with both the spirit and the letter of the Americans with Disabilities Act of 1990. Hyde County is committed to the principle that there shall be no discrimination against any qualified individual with a disability or disabilities in regard to recruitment policies and procedures, hiring, advancement, training opportunities, compensation, disciplinary action, reduction-in-force and other terms or privileges of employment.

Title I of the Americans with Disabilities Act protects qualified individuals with disabilities from employment discrimination and prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

Who is Protected?

Under the ADA, a person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. The Americans with Disabilities Act Amendments Act of 2008 broadens the application of the term "regarded as" which now results in applicants and employees need only to demonstrate they were perceived by the employer as having an impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or walking. The Americans with Disabilities Act

Amendments Act of 2008 expands the definition of "major life activities" where new activities not formally recognized by the Equal Employment Opportunity Commission, EEOC, are now considered. Some of those activities include communicating, bending, reading, and major bodily functions such as the immune system, normal cell growth, digestive system, neurological and circulatory complications.

The Americans with Disabilities Act Amendments Act of 2008 also states that "mitigating measures" shall not be considered in assessing a disability. Medications, medical supplies and equipment appliances can no longer be used to determine whether the applicant or employee has a disability. The exception to this rule is regular eyeglasses or contacts. The Amendments Act of 2008 clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active such as cancer and migraines. EEOC and the court systems will now focus on how the applicant or employee was treated, whether the person was regarded as disabled, whether accommodations were evaluated or whether the person was discriminated against or harassed in some other capacity because of the condition.

An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or employee must:

- Satisfy the job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with management's right to hire the best-qualified applicant. Nor does the ADA impose any affirmative actions obligations. The ADA simply prohibits management from discriminating against a qualified applicant or employee because of his or her disability.

How Are Essential Functions Determined?

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodations. Each job should be examined to determine which functions or tasks are essential to performance.

Factors to consider in determining if a function is essential include:

- Whether the reason the position exists is to perform that function,
- The number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- The degree of expertise or skill required to perform the function.

Judgment as to which functions are essential and a written job description prepared before advertising or interviewing for a job will be considered by the Equal Employment

Opportunity Commission (EEOC) as evidence of essential functions. Other kinds of evidence that EEOC will consider include:

- The actual work experience of present or past employees in the job,
- The time spent performing a function,
- The consequences of not requiring that an employee perform a function, and
- The terms of a collective bargaining agreement.

What Are Obligations in Providing Reasonable Accommodations?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Job restructuring,
- Part-time or modified work schedules,
- Reassignment to a vacant position,
- Adjusting or modifying examinations, training materials or policies,
- Providing readers and interpreters, and
- Making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodations also must be made to enable an individual with a disability to participate in the application process, and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Department. Undue hardship means that the accommodation would require significant difficulty, disruption or expense.

What is the Best Way to Identify a Reasonable Accommodation?

When a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, management must make a reasonable effort to identify one. Consultation, on an informal basis, with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job would likely serve as the best avenue to identify proper and reasonable accommodations.

When Does a Reasonable Accommodation Become An Undue Hardship?

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of a Department. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, Department Heads and Supervisors must attempt to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, Department Heads and Supervisors must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. Department Heads and Supervisors must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

Medical Examination and Questions about an Individual's Disability

It is unlawful to:

- Ask an applicant whether she/he is disabled or about the nature or severity of a disability, or
- To require the applicant to take a medical examination before making a job offer.

Applicants may be asked about the ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. Applicants may be requested to describe or to demonstrate how, with or without reasonable accommodation; the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, Department Heads may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination. The Department Head may condition the job offer on the results of the medical examination. Once an applicant is hired, the Department Head cannot require a medical examination or ask an employee questions about disability unless he/she can show that these requirements are job related and necessary for the conduct of the business operation. Voluntary medical examinations that are part of an employee health program may be conducted.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. Department Heads may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

Use of Illegal Drugs

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or terminated on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination, and Department Heads will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize or prohibit drug tests.

ADA Enforcement and Remedies

The Equal Employment Opportunity Commission will enforce the provisions of the ADA, which prohibit job discrimination. Individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under the Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys' fees. Reasonable accommodation is also available as a remedy under the ADA.

Section 18. Age Discrimination Act

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meets the Act's requirements.

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and above from discrimination on the basis of age in hiring, promotion, discharge, compensation, and other employment terms and conditions. The Equal Employment Opportunity Commission (EEOC) enforces the Age Discrimination Employment Act. Supervisors and Department Heads are accountable for enforcing the law and shall make every effort to avoid any discriminatory acts in regard to an employee's age.

Section 19. Attendance Policy

Regular attendance is essential to County operations. An employee is expected to be present and on time as scheduled. If an employee is going to be late or unable to work, the Supervisor should be notified **before** the start of the workday, but no later than one

hour after the beginning of a scheduled working day. Notification by another employee, friend or relative is not acceptable except in an emergency situation where the employee is unable to make the notification. Sick leave may be taken only with the approval of the immediate Supervisor or Department Head. Employees must speak with his/her Supervisor or with another appropriate contact within the proper chain of command. This provides an opportunity for the Supervisor to schedule a replacement or reschedule work as necessary. Tardiness, excessive absences without leave or notice interferes with the Department and County objectives and may result in disciplinary action up to and including dismissal.

Section 20. Bloodborne Pathogens Policy

Hyde County has adopted plans and procedures to comply with all requisite provisions of the Occupational Exposure to Bloodborne Pathogens Standard issues by the U. S. Department of Labor's Occupational Safety and Health Administration, and the approved plan requirements related which are promulgated by the North Carolina Department of Labor. These plans are located in appropriate Departments.

All employees of the County who are occupationally exposed to blood or other potentially infectious materials as defined in the regulations are covered under provisions of this policy. The County Safety Officer shall maintain a copy of the exposure control plan, addressing exposure determination, procedures for evaluating the circumstances surrounding an exposure incident and the schedule and methods for implementing compliance with the various sections of the standard. This plan is updated on an annual basis. The County Safety Officer maintains a listing of exposure determination for all job classifications, grouped into two exposure groups. The first group includes classifications in which all classifications have occupational exposure and the second includes classifications where some employees have occupational exposure associated with specific listed tasks.

All occupationally exposed employees of Hyde County will be provided information and training prescribed under the Standard, which will occur during working hours at no cost to the employee. This training will be provided at initial assignment and at least annually thereafter. Additional training is provided when existing tasks are modified or new tasks are introduced which affect employees' exposure.

Hepatitis B vaccine and vaccination series are available to all employees who have occupational exposure, in addition to post-exposure evaluation and follow up services as well as any booster doses subsequently recommended by the US Public Health Service. Each of the foregoing services is provided at no cost to employees, at reasonable times and places and is performed by or under the supervision of a licensed physician or a licensed health care professional who is qualified to provide these services.

The Hepatitis B vaccine and vaccination series is available within 10 days of initial assignment to employees who have occupational exposure to blood or other potentially infectious materials unless the employee has previously received the complete Hepatitis

B vaccination series, antibody testing reveals that the employee is immune or medical reasons prevent the employee from receiving the Hepatitis B vaccination series. If the employee refuses to receive the Hepatitis B vaccination, documentation of the refusal must be maintained.

All employees will be provided with a copy of a health care professional's written opinion stating whether a Hepatitis B vaccination is indicated and whether the employee has received such vaccination. All employees with occupational exposure are provided personal protective equipment by the County at no cost to the employee. Complete and accurate records are maintained for all employees concerning occupational exposure, as prescribed by the Standard, for which the retention period is throughout the period of employment and for 30 years thereafter.

Any employee determined to be occupationally exposed who declines to accept Hepatitis B vaccination must sign a declination statement and release of liability after appropriate prescribed training regarding Hepatitis B, Hepatitis B vaccination, the efficacy, safety, method of administration, benefits of Hepatitis B vaccination, and that the vaccine and vaccination are provided free of charge. Any employee, who declines vaccination, executes a declination and release of liability thereafter, and who remains occupationally at risk can request vaccination at a later date. If subsequently requested, the same provisions will apply with respect to receipt of services at no cost to the employee. If at any time, an employee is exposed to hepatitis and an incident occurs which may place an employee at risk; an Incident Report must be completed and forwarded immediately to the County Safety Officer and Human Resources Director.

Section 21. Motor Vehicle Policy

The purpose of this policy is to outline drivers' license requirements, as well as vehicle safety rules and regulations in order to reduce preventable accidents, injuries, property damage and maintenance costs.

1. A valid North Carolina drivers' license, or within 90 days of hiring, for the type and class of vehicle to be driven shall be required for all employees operating county vehicles, and employees operating privately owned vehicles on County business.
2. County employees shall comply with the Vehicle Safety Program rules and regulations outlined in this procedure while operating a County vehicle.
3. Employees working in certain job classifications may be required to have a Commercial Drivers License (CDL) to operate designated vehicles and/or equipment. Successful job applicants, which may include current employees that are promoted or re-assigned to positions requiring a CDL, shall comply with one of the following: Have a current CDL at time of employment, promotion or re-assignment, or within 90 days of hiring, promotion or re-assignment, obtain a CDL as a condition of continued employment.

Vehicle Safety Program Rules

All employees driving County or personal vehicles on County business, shall drive in a courteous manner observing the following vehicle safety program rules and regulations.

1. Employees shall remain knowledgeable and comply with all Federal, State and County motor vehicle laws and regulations.
2. Employees shall practice effective defensive driving techniques. Employees shall exercise special precautions when children, joggers or pedestrians are in the roadway, driving during inclement weather or when negotiating around heavy equipment.
3. The driver and all occupants shall wear seat belts as required by law.
4. No person other than employees or appropriate persons engaged in business with the County and approved by the Department Head or designee shall ride in a County vehicle.
5. County vehicles shall be used for work related duties only.
6. Employees assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle unless a specific individual is designated within the Department. Areas of highest concern include oil, tires, lights and seatbelts. All mechanical problems shall be reported to the Supervisor immediately.
7. Only County issued equipment needed to perform the specific work functions may be stored in the vehicle. No additional equipment or personal items will be carried or stored unless the Supervisor grants permission.
8. Unsecured items shall not be placed on the dash of a County vehicle. Tools, equipment and materials carried in a truck bed shall be secured by using rails and tailgate. Sufficient tie downs shall be required to ensure the safety of transported materials.
9. Vehicle shall not be left unattended while the engine is running. If it is necessary to leave the vehicle running while it is unattended, the transmission shall be placed in park and the parking brake activated.
10. Except under extreme emergencies, keys shall be removed from the ignition and the doors locked on an unattended vehicle.
11. Drivers of assigned vehicles should visually examine the vehicle at the beginning and end of their shift/day. Areas to inspect include any physical damage, functioning signals and lights and tire inflation.
12. Employees shall not alter or tamper with vehicle safety features.
13. Gas cards issued to County vehicles are to only be used in providing gas to the specific vehicle. Employees will utilize the fueling location supporting the specific card.

Driving Record Standard for Applicants

This policy applies to all applicants including employees applying for positions requiring a valid drivers' license as a condition of employment.

1. Applicants must have in their possession a valid drivers' license and obtain a North Carolina license within 90 days after hiring as a condition of employment. In cases

where the applicant resides in a nearby state, his/her license will be verified. A review of the driving history of each applicant will be conducted prior to hiring and it is the responsibility of the applicants to obtain a copy of their driving records. The applicant may be required to provide a certified driving record from the Department of Motor Vehicles. If the applicant deemed best for the position has any record of violations, the applicant may not be offered employment until it can be determined that an applicant's employment would not constitute a liability to the County.

2. Applicants will not be selected for positions requiring a valid drivers license if their driving record reveals a pattern of convictions of traffic offenses and the applicant's capacity to safely operate a County vehicle or heavy equipment is questionable, the County may approve or disapprove the applicant based on their overall driving record and the position of which the applicant has applied.

All County employees required to drive their personal vehicles in the course of conducting County business, must maintain sufficient insurance and must be able to show proof of such insurance at all times.

Driving Record Standards for Current Employees

The purpose of this policy is to establish minimum-driving standards which must be met for all classifications requiring a valid drivers' license. Departments may elect to enforce more stringent driving record requirements. Motor vehicle operators identified by the County's liability insurer as "problem drivers" with multiple motor vehicle violations will not be allowed to operate County vehicles. Travel by an employee determined to be a problem driver shall be by personal vehicle with the method of reimbursement to be determined by the County Manager within the guidelines of this policy. Employees determined to be problem drivers will receive a letter of warning under the County Manager's signature, notifying them of the consequences of further motor vehicle violations.

1. An insurance agent of the County will periodically check the driving record of employees holding positions for which valid drivers' license are required.
2. When an employee's overall driving record reveals a pattern of convictions for traffic offenses and the employee's capacity to safely operate a County vehicle or heavy piece of equipment is questionable, the County shall reserve the right to approve or disapprove the continued operation of a County vehicle or heavy piece of equipment by the employee based on their overall driving record.
3. Employees will not be permitted to operate County vehicles or heavy equipment if their driving record contains any of the following:
   a. Current conviction of driving while impaired
   b. Conviction of death by vehicle, hit and run, racing careless and reckless or other major offenses for which their driving privileges have been suspended or revoked.
4. Any employee in a position requiring a valid drivers' license is subject to disciplinary action up to and including dismissal for violations in accordance with Standard Procedures. Any employee who has their State Drivers License suspended or

revoked shall not operate a County vehicle and shall immediately report such suspension or revocation to their supervisor.

Vehicle Accident Reporting

The purpose of the vehicle accident reporting is to establish a standard procedure to report vehicle accidents involving County vehicles. In the event of an accident involving a County vehicle, the following procedure shall apply:

1. Notify law enforcement officials immediately by calling 911. The vehicle should not be moved until law enforcement has arrived, unless necessary for safety reasons.
2. Offer no information at the scene regarding the responsibility for the accident. Present insurance information to the responding officer. Under no circumstances, should the employee, Supervisor and/or Department Head advise the third party of insurance coverage or actions taken by County officials. Any related questions or problems shall be referred to the County Manager's Office.
3. Contact the Supervisor and/or Department Head immediately.
4. During regular business hours, the Supervisor and/or the Department Head shall contact the County Safety Director for the purpose of taking pictures of the damaged property. If the accident occurs after business hours, the employee and/or Designated Agent of the County must take pictures of the property damage and location, if possible. The Safety Officer and/or Designated Agent of the County shall send pictures to the County Manager as soon as possible.
5. The employee shall complete a County Incident Report, which describes the accident. The reporting law enforcement officer will complete an indepth report.
6. The Designated Agent, Supervisor and/or Department Head shall immediately notify the County Manager but no later than the beginning of the next business day.
7. All drivers of County vehicles involved in a motor vehicle accident must submit to a post-accident drug test as soon as practical, but within 24 hours after the accident. If injured, this may take place at the medical provider's office.

Section 22. Workplace Violence

It is the intent of Hyde County to provide a workplace for County employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. This policy applies to all County employees as well as contractors and visitors to County premises.

Definitions

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

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

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

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

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, live together or dated. Property damage is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

Hyde County is concerned about every individual's well being and personal safety while on County property. Acts of violence and/or threats of violence, including any act of an assault nature, whether expressed or implied toward individuals, while on County property, are prohibited. Included are acts of violence when such conduct stems from County business or may affect County business, operations, reputation or employees, regardless of the time or location.

The County may make efforts to protect victims of workplace violence by offering all available security measures. Victims may also need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The County may accommodate these requests and needs whenever possible and appropriate. The County may work closely with victims to ensure that both the needs of the victims and the County are addressed. Management is expected to offer support to victims of workplace violence, which includes domestic violence. Management may use their discretion to grant a victim leave time for medical, court or counseling appointments related to trauma and/or victimization.

Acts of Violence and Threats

Should a threat or act of violence become known, employees should adhere to the following procedure.

1. Immediately report the incident to someone in management. Provide as much information relating to the incident as possible. Incidents reported to management should be forwarded to the Sheriff, County Manager, Safety Committee Chairman or Human Resources Director.
2. All reports regarding threats or acts of violence will be kept confidential. Employees are required to report such incidents without regard or fear of retribution from management. Failure to report such incidents may result in disciplinary action.

Employee Conduct

1. Any employee initiating and/or participating in such conduct will be subject to disciplinary action, up to and including termination and/or a criminal complaint. In addition, any employee not terminated for such conduct may be required to submit to a fitness for duty evaluation before returning to work to ensure he/she does not present a threat to persons and/or property. Any person who is not an employee, such as a contractor, vendor or visitor, will be subject to removal from County property and/or a criminal complaint.
2. For informational purposes only, an employee who receives a protective/restraining order, which lists the County owned or leased property, as a protected area is required to provide the Human Resources Director a copy of the official document.

Weapons on County Property

1. Firearms and other dangerous weapons are not permitted on or in Hyde County property or buildings at any time, with the exception of tools of the trade. This procedure does not apply to local, state or federal law enforcement officers acting in the line of duty. Employees who need clarification of the definition of a dangerous weapon may contact the Department Head or the County Human Resources Director.
2. The County reserves the right to conduct a search of personal effects and vehicles while these items are located on or in County properties.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy. Acts of violence may be grounds for disciplinary action, up to and including termination. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

Section 23. Sexual Harassment Policy

Hyde County is committed to providing all employees with a work environment that is free of sexual harassment and other unlawful harassment. Therefore, the County strictly prohibits all forms of sexual harassment or other unlawful harassment in the employment relationship. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on County premises and whether or not the incidents occur during working hours.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which is explicitly or implicitly tied to a term or conditions of employment, which unreasonably interferes with an employee' s performance on the job, or which creates an intimidating, hostile or offensive working environment. Sexual harassment can include, but is not limited to threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request; denying, directly or indirectly, an

employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request; promising of job benefits in exchange for sexual favors; offensive or unwelcome physical contact or touching; sexual advances or offensive propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace. Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by employees or prospective employees. Sexual harassment may include any conduct, whether between male/male, female/female, or male/female, of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

Section 24. Unlawful Workplace Harassment

No retaliation or other adverse action will be taken by the County against an employee who makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee. In response to a charge of harassment, the County will take immediate action to investigate thoroughly all charges and to take appropriate remedial measure to end any harassment and to prevent any future harassment. Disciplinary action including, but not limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment.

The purpose of the Unlawful Workplace Harassment Policy is to establish that Hyde County prohibits unlawful workplace harassment to employees and to ensure that Hyde County work sites are free of unlawful workplace harassment.

The policy of Hyde County is that no employee may engage in conduct that falls under the definition of unlawful workplace harassment. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. Hyde County will thoroughly investigate all complaints made by employees and will take appropriate remedial or disciplinary action up to and including dismissal.

1. Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.
2. Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
3. Quid Pro Quo harassment consists or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when: (a) submission to such conduct is

made either explicitly or implicitly a term or condition of an individual's employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

4. Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Any employee, who perceives harassment, must submit a written complaint containing specific information to their Department Head. Department Heads shall investigate; take appropriate corrective and remedial action and address in writing within 60 days of receiving the complaint. The Department Head will report findings to the County Manager. If the complainant perceives the harassing behavior is provided by the Department Head, the complainant must report the incidents to the Human Resources Director who will investigate and report all findings to the County Manager. Findings may include disciplinary action up to and including dismissal.

Section 25. Outside Employment Policy

The work of the County shall take precedence over other occupational interests of employees. Violation of this policy or conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Full-time County employees shall obtain advance approval for outside employment of any nature. Request for permission to engage in outside employment shall be submitted to the Department Head for approval, in writing, prior to engaging in or accepting work. All outside employment for salaries, wages or commissions must be reported to the employee's Department Head before work begins. Once the outside employment request is approved, the employee shall submit an annual request to the Department Head for review and to ensure the outside employment does not cause any Department disruption. The assumption of outside employment without prior approval may be deemed improper conduct and subject the employee to disciplinary action up to and including dismissal.

Outside employment for Department Heads is discouraged. In the case of Department Heads who are subject to the State Human Resources Act, requests for permission to engage in outside employment shall be submitted, in writing, to the Department Head's governing Board of Directors for consideration. If approved by the Department Head's governing board, notification shall be provided to the County Manager's and the Human Resources Director's office. All requests for Department Heads to engage in outside employment must also receive approval from the County Manager.

Section 26. Dual Employment

A full or part-time employees of the County may simultaneously hold another position with the County if the temporary position is in a different department or agency and substantially different capacity and occupational area from that of the full or part-time position. The work must also be performed on an occasional or sporadic basis. Any other situation requires weighted average pay scales and/or overtime pay. However, the

work of the full or part-time position shall take precedence over the temporary position and under no circumstances will the employee work beyond 40 hours each week.

Section 27. Travel Policy

The purpose of this policy is to establish procedures for authorization of travel and reimbursement of the cost of authorized travel by County employees, County approved drivers, and elected and appointed officials for the purpose of conducting County business. The travel policy outlined below only applies to Hyde County employees and not family members.

Travel Authorization

Department Heads traveling on official County business outside of Hyde County must verbally or by e-mail notify the County Manager in advance. Out-of-County travel must have prior approval of the Department Head for his/her employees. The County Manager must approve all out-of-state travel in advance. Advances for travel expenses may be requested before the travel date.

Travel – Reimbursement for Mileage

County employees and officials traveling away from the County on official business will be reimbursed as follows:

- Travel by official vehicle, Hyde County pays total costs of operation and maintenance;
- Travel by personal car, rate established by Board of Commissioners;
- Travel by public conveyance with the prior approval of the County Manager, the actual fare amount; and
- Mileage for travel will be paid for the shortest usually traveled route.

Travel – Room and Board and Special Expenses

- Living expenses will be authorized only for trips lasting overnight or longer;
- Employees and officials will be expected to commence the return to Hyde County as soon as practical after the conclusion of their business;
- Personnel traveling away from Hyde County on official business will be compensated for all reasonable room and board expenses paid for out-of-pocket;
- Employees and officials will be reimbursed for the actual cost of special expenses paid by them from their personal funds, such as parking fees, tolls, registration fees and other related expenses.

Travel – Expense Statement Required

- Employees and officials traveling on a reimbursable basis for the County will keep an accurate record of their expenses.
- No reimbursement will be paid without written travel claim signed by the employee or official; receipts for the cost of hotel and travel expenses and for any special expenses must be attached to the written claim.

- If mileage has been calculated in advance, a request may be made before the incurred travel.

Travel – Short Trips

- When an employee or official is away from the County on official business, he/she will be reimbursed for meals and for special expenses incurred such as parking fees, tolls, registration fees and other related expenses. No reimbursement will be paid without written travel claim signed by the employee or official; receipts for special expenses must be attached to the claim.

Travel – Reimbursement for Training Expenses

- When an employee or official enters into an approved job-related training program, Hyde County will pay for such expenses as tuition and books. The employee or official will not be expected to pay for these expenses out-of-pocket.

Travel – Status of Employees or Officials While Traveling

- Participation in official out-of-town business meetings, authorized training courses, and authorized professional conferences, is "time worked" for the purpose of computing wages for non-exempt employees. Travel away from normal workstation is work time when it cuts across a non-exempt employee's normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked during the normal workdays, but also during the corresponding hours of non-working days. If the employee regularly works from 8:00 am to 5 pm from Monday through Friday, but is traveling on official duties on Saturday and Sunday, the travel time during those hours is work time on Saturday and Sunday as well. Regular meal period time is not counted as work time.

Travel – Workers' Compensation

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

Travel – Travel Advances

- It is the policy of Hyde County to provide travel advances for mileage and meal stipends. In special situations travel advances may be made with prior approval of the County Finance Officer and the County Manager. Any such request must be submitted to the Finance Officer at least one week prior to the need for the travel advance. Immediately upon return, all accounting information must be presented to the County Finance Officer. Any expenditure, for which there are no receipts acceptable to the County Finance Officer, will be deemed an individual expense to the employee.

Travel – Subsistence

- Employees will be reimbursed for actual reasonable cost of meals while on approved travel outside Hyde County. If an employee is not involved in overnight travel, there will normally be no reimbursement for morning or evening meals.
- No subsistence expense is reimbursable if it is incurred within Hyde County unless the expense is incurred while at an authorized meeting for the purpose of conducting official County business.

Travel – Non-Reimbursable Costs

- It is the policy of the County not to reimburse any personal expenses such as personal phone calls or entertainment expenses. No reimbursement is permitted for alcoholic beverages. No reimbursement is to be made by the County for anyone other than a County employee on official County business.

Travel – Travel Records

- All travel records submitted for reimbursement are public record.

Section 28. Limitation of Employment of Relatives

In order to promote equal opportunity for employment for all qualified individuals, members of an immediate family shall not be employed within the same operational unit. This includes situations in which such employment will result in one family member supervising another member of his or her immediate family or where one member occupies a position which has influence over the other member's employment, promotion, salary administration or other related management or personnel considerations. The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist.

The term "immediate family" is defined as employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, step-child that lives within your residence, grandmother, grandfather, grandson, granddaughter, stepmother or stepfather. Department Heads should use discretion when hiring relatives.

The Board of Commissioners shall approve the appointment by the Sheriff or by the Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin as required by Chapter 153A-103(1) of the North Carolina General Statutes.

Section 29. Performance Appraisal

The performance appraisal is an opportunity to clarify the past and set a corrected course for the future. A performance appraisal shall be conducted at the end of an employee's probationary period and annually on the anniversary date of each employee's appointment or at an appointed time set by the County Manager. Although employees and supervisors are strongly encouraged to practice daily communications, the performance appraisal gives both the employee and the supervisor an opportunity to

communicate on a one-to-one basis to discuss aspects of the employee's performance and job expectations.

Section 30. Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be properly maintained.

Section 31. Emergencies

County employees, as a condition of their initial and continued employment, shall be available for work during emergency situations. Exempt and non-exempt employees shall be given compensatory time for such work as required.

Once the emergency condition is declared, the employee is not required to stay at home for possible call back, but is required to report to the appropriate authority to ascertain the need for his/her services. Failure to comply with the direct orders pertaining to emergency /disastrous situations may result in disciplinary actions up to and including dismissal.

Section 32. Employee Computer, Email, Internet and Social Media Usage Policy

This policy is intended to outline the proper use of all Hyde County computer and network resources, the effective protection of individual employees and proper management of those resources. These guidelines are intended to supplement, not replace, any and all existing laws, regulations, policies, agreements that may apply to these resources.

Employee access to computers and network resources owned or operated by Hyde County imposes certain responsibilities and obligations and is granted subject to relevant agency policies and local, State, and Federal laws. Appropriate use should always be legal, ethical, and in conjunction with the County's mission and goals, uphold the County's reputation, maintain public confidence and show restraint in the consumption of shared resources.

This policy also addresses the use of various forms of social media by County employees, either with computers and network resources or their own personal computer and network resources, to insure that such usage is not detrimental to other County employees or the County as a whole.

Employee Responsibilities and Rights

1. Use of resources – Department computers, email, network, and Internet resources are provided to assist the employees in performing assigned work in an efficient and effective manner for the benefit of the citizens of Hyde County. The resources

should be used for official Department business only, with the exception of incidental personal use.

2. Privacy – To the greatest extent possible in a public setting, the County seeks to preserve the employee's privacy. Electronic and other technological methods must not be used to infringe upon privacy. However, users must recognize that County computers and network resources are public, the property of Hyde County and as such may be subject to review under the NC Open Records Act, and are subject to periodic review by authorized County personnel. Employees should utilize such systems at their own risk, and with the awareness that computers and network resources are not to be treated in the same way as one's personal computer and network resources.
3. Freedom of expression – The constitutional right to freedom of speech applies to all employees of Hyde County no matter the medium used. However, employees are liable and accountable for all words and forms of expression exhibited during the performance of official duties. Thus, in accordance with this policy, County employees should recognize the difference between freedom of expression as a general citizen and freedom of expression as a public employee of Hyde County.
4. Ownership of data and information – All forms of data either stored or transmitted on or with County computers and network resources are the property of Hyde County.
5. Freedom from harassment and undesired information – All employees have the right not to be harassed by computer or network usage by others.
6. Common courtesy and respect for rights of others – Each employee is responsible to all other County network users, including respecting and valuing the rights of privacy for all, to recognize and respect the diversity of the population and opinion in the community, to behave ethically, and to comply with all legal restrictions regarding the use of information that is the property of others.
7. Privacy of information – Files of personal information, including programs, no matter on what medium they are stored or transmitted, may be subject to the NC Open Records Act if stored on County computers and network resources. That fact notwithstanding, no one should look at, copy, alter, or destroy another individual's personal files without explicit permission (unless authorized or required to do so by law or regulation). Simply being able to access a file or other information does not imply permission to do so.
8. Harassment – No employee of the County, under any circumstances, may use County computers and network resources to libel, slander, or harass any other person. The following shall constitute computer harassment:
    a. Intentionally using the computer to annoy, harass, terrify, intimidate, threaten, offend or bother another person by conveying obscene language, pictures, or other materials or threats of bodily harm to the recipient or the recipient's immediate family.
    b. Intentionally using the computer to contact another person repeatedly with the intent to annoy, harass, or bother, whether or not any actual message is communicated, and/or where no purpose of legitimate communication exists, and where the recipient has expressed a desire for the communication to cease.

c. Intentionally using the computer to invade the privacy, academic or otherwise, of another or the threatened invasion of the privacy of another.

9. Information integrity – It is the employee's responsibility to be aware of the potential for and possible effects of manipulating information, especially in electronic form, to understand the changeable nature of electronically stored information, and to verify the integrity and completeness of information that the employee compiles or uses.
10. Responsibility for security, maintenance, and proper care of assigned computer resources. – Each employee is responsible, in coordination with the employee's supervisor/program manager/Department Head for the security and integrity of information stored on County computers assigned to the employee. This responsibility includes making regular disk backups, controlling physical and network access to the machine, and using the available virus protection software. Employees should avoid storing passwords or other information that can be used to gain access to other County computing resources.

Email and other electronic communications

Electronic communication systems provide a useful way to exchange ideas, share files, and maintain relationships with colleagues, and are a valuable asset. Messages sent and received through the County network, email, the Internet, and social media sites (including notes, memos, purchase orders, letters, and other documents created on County computers and network resources) are the property of the County.

Employees should not have any expectation of privacy with respect to messages or files sent, received, or *stored on* the County's computer *or* network *resource, messages* and files, like other *types of* correspondence and County documents, can be accessed and read by authorized Department/County personnel and may be subject to the NC Open Records Act. Authorized access to employees' electronic communications by other employees or authorized individual includes, but is not limited to, the following:

1. Access by Information Technology staff during the course of system maintenance or administration,
2. Access approved by the employee, the employee's supervisor, or the Department Head when there is an urgent need to access the employee's mailbox or other computer files,
3. Access approved by the employee's supervisor and the Department Head when there is reason to believe the employee is using the communication system in violation of the County's policy, and
4. Access approved by the County's legal counsel in response to the County's receipt of a court order or request from law enforcement officials for disclosure of an employee's email messages.

The County's computer and network resources should not be used to communicate sensitive or confidential information. Employees should appreciate that an electronic message might be disclosed to or read by individuals other than the intended recipient(s), since the message can easily be forwarded to other individuals. In addition, while the Department endeavors to maintain the liability of its electronic communication system,

employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosure of electronic messages.

Use of the Internet

Hyde County provides access to the vast information resources of the Internet to help employees perform their work in an efficient and effective manner. The County's facilities that provide access to the Internet represent a considerable commitment of resources for telecommunications, networking, software, storage, etc. County computing and network resources are provided for County employees for official business activities only, with the exception of incidental personal use.

All existing County personnel policies apply to employee conduct on the internet, especially (but not exclusively) those that deal with employee performance, personal conduct, intellectual property protection, privacy, misuse of resources, sexual harassment, information and data security, and confidentiality. Employees must conduct themselves honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy, and prerogatives of others. Unlawful or inappropriate Internet usage may result in negative publicity for the County and expose the County to significant legal liabilities.

Social media

While the County encourages its employees to enjoy and make productive use of their personal time, certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee, harassing, demeaning, or creating a hostile working environment for any employee, disrupting the smooth and orderly flow of work within the organization, harming the goodwill and reputation of the County or eroding public confidence in the County.

In the area of social media (print, broadcast, digital, blogs, personal websites, and online services such as Face book, Linkedln, MySpace, Plaxo, Twitter, news media comment boards, and others), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above for the County. For this reason, the County reminds its employees that the following guidelines apply in their use of social media on their own personal time and personal computer resources.

If an employee publishes any personal information about the employee, another employee of the Department and/or County, the organization, a citizen, or a patient/consumer in any public medium (print, broadcast, digital, or online) that:

1. has the potential or effect of involving the employee, their coworkers, or the patients/consumers in any kind of dispute or conflict with other employees or third parties,
2. interferes with the work of any employee,
3. creates a harassing, demeaning, or hostile working environment for any employee
4. disrupts the smooth and orderly flow of work, or the delivery of services to the Department's consumers/patients,
5. harms the goodwill and reputation of the County or in the community at large,

6. erodes the public's confidence in the Department and/or the County, or
7. tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information, then

the employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the severity and repeat nature of the offense.

Employees who conduct themselves in such a way that their actions toward and relationships with each other interfere with or damage work relationships, disrupt the flow of work or customer relations, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from their supervisor to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.

Social media access and use involving County equipment and resources are subject to the Hyde County Computer Network, Email, Internet and Social Media Usage Policy at all times.

How an employee uses social media is not a matter of concern as long as it is consistent with the above guidelines. Employees may address any questions on this policy to the supervisor, Department Head, County Human Resources Director or County Manager.

Personal use of Department computer and network resources
County computer facilities, services, and networks may not be used in connection with compensated outside work or for the benefit of individuals or organizations not related to Hyde County, except in connection with official County activities.

Provided, however, incidental and short duration personal use of County computers and network resources, including access to the Internet, is authorized, provided such use occurs on the employee's own time and such use is legal, ethical, reflects values, does not compromise the County's reputation or the public's confidence in the County, and does not compromise the County's networks and systems.

ARTICLE VI

HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Paid Holidays Observed

All employees normally scheduled to work on the day on which the holiday falls, who qualify for retirement benefits shall receive holiday pay. Temporary employees (full or part-time) are not eligible to receive holiday pay.

Hyde County follows the holiday schedule as published by the State of North Carolina each year. The schedule for the calendar year will be published by December 1 of the previous year for proper notification to County employees. Holidays typically observed by the State of North Carolina are as follows:

New Year's Day
Martin Luther King, Jr.'s Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day and Thanksgiving Friday
Christmas Day, according to the following schedule:

When Christmas Falls On	County Holidays
Sunday	Friday, Monday, Tuesday
Monday	Monday, Tuesday, Wednesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Wednesday, Thursday, Friday
Saturday	Friday, Monday, Tuesday

When a holiday falls on a Saturday or Sunday, County observation will be on the Friday before or Monday following the holiday. Employees who work shifts and are regularly scheduled on holidays are exempt from the above rule.

Section 2. Religious Observances

Employees who wish to use leave for religious observances must request leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance.

Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the County.

Section 3. Holidays Worked

Regular holidays which occur during a vacation, sick or other paid leave period or during paid leave taken pursuant to the Family and Medical Leave Act by any employee of the County shall not be charged as vacation, sick or other paid leave. Employees on any form of unpaid leave will not be compensated for holidays occurring during that leave.

Shift employees who are required to work on regularly scheduled holidays shall receive hour for hour of sick leave for the holiday worked. *(If an employee works 1 (one) hour on the holiday, they receive 1 (one) hour of sick leave; if an employee works 8 (eight) hours on the holiday, they receive 8 (eight) hours of sick leave.)*

Section 4. Holidays – When Work Required

Non-Shift employees who are required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one (1) hour off for each hour worked on the holiday if the total hours worked within the week exceed forty (40) hours. Compensatory time for holiday hours worked shall be granted within three (3) months of the time it is earned. If it is not feasible to allow compensatory time off within the three (3) month period, employee may receive monetary compensation in lieu of time off calculated at their standard hourly rate.

Section 5. Adverse Weather Conditions

In situations involving inclement weather which affect the operations of all or a majority of County Departments, it is incumbent upon the Department Head to ensure that his or her Department or Office is opened to the public at the usual time, unless prior authorization to deviate from the normal schedule has been received from the County Manager's Office.

Without a public announcement or other notice that County Offices will close or deviate from normal working hours, employees are expected to be at work. The County Manager or County Manager's designee will issue public announcements. County offices and Departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from the customary schedule 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 leave work before an 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 vacation leave for days and/or hours not worked. Department Heads may approve specific make-up time for employees who elect to make up time lost due to weather conditions. Make up time should be reflected on the employee's monthly timesheet. Employees on sick or vacation leave will not be charged for that leave time for any hours that offices are closed for inclement weather.

Mandatory Operations

Certain employees work in positions that are critical to providing support services to the citizens of the County, regardless of the weather conditions and whether or not the County Departments and Offices are operating. Department Heads designate these essential positions, with approval from the County Manager. Certain Departments, such as the Emergency Management Services, Communications Services and the Sheriff's Office are always essential to the operations of the County; others may be based on the needs at the particular time.

Section 6. Vacation Leave

The primary purpose of paid vacation leave is to allow every employee to renew his or her physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose. Vacation leave is credited to employees who are in pay status, working, on paid leave for one-half or more of the regularly scheduled workdays and holidays in the pay period in accordance with the provisions outlined below.

- For the purpose of earning and accruing vacation leave, the period of twelve calendar months between January 1 and December 31 is established as the leave year.
- Each full-time career status, permanent, probationary or trainee employee occupying an officially budgeted position shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:

Rate of Accumulation

Years of County Service	Hours Earned Annually
Less than 2 years	96
2 but less than 5 years	104
5 but less than 10 years	136
10 but less than 15 years	152
15 but less than 20 years	184
20 years or more	200

- Each employee who is qualified to accumulate vacation leave shall accrue 8 hours per month. If the years of county service are two or more and the employee accrues more than 96 hours of vacation leave per year, the balance will be credited to the employee in the January pay period **after** the employee reaches that milestone (i.e., the employee's 5th anniversary date is July 2, the employee would have an additional 40 hours of vacation leave credited to their balance in the <u>following</u> January's pay period).
- Each employee who has previous local government service shall be credited for that service for vacation and sick leave accrual purposes in an amount equal to that

credited toward retirement in the North Carolina Local Government Employees' Retirement System, as verified by those systems. Any new employee, regardless of service time with another county or state agency, shall begin accumulation of vacation hours in Hyde County based on the rate of 8 hours for a full time employee. Any employee transferring from one Department to another within Hyde County will continue to earn vacation leave at the rate associated with their service years in Hyde County as long as there is no break in service.

- Vacation leave will be credited to each employee at the end of each month during which leave is earned. Vacation leave may not be taken until it has been earned and credited to the employee's account.
- Vacation leave shall not be advanced to employees.
- Vacation leave earned by an employee shall be taken only upon prior approval of the employee's supervisor. A vacation leave request of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift.
- Vacation leave may be charged in 15-minute increments.
- Holidays are not charged as vacation leave when they occur during a period when an employee is taking vacation leave.
- When vacation leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head and the approval of County Manager.
- Holidays or regularly scheduled days off which occur during a period of vacation leave shall not be charged as vacation leave.

Other Uses of Vacation Leave:

- Vacation leave may be used for medical appointments.
- Vacation leave may be used in lieu of sick leave.
- Vacation leave may be used for absences as a result of adverse weather conditions.
- Vacation leave may be used for illnesses in the immediate family in lieu of sick leave.

Effect of Vacation Leave on Anniversary Dates

Vacation leave with pay will have no effect on the increment anniversary date; however, leave without pay will delay an employee's increment anniversary date one month for each month he/she is on leave without pay for more than half the workdays in that month, the only exceptions include military leave and workers' compensation.

Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31st of each year. On December 31st any employee having accrued vacation leave in excess of 30 days or 240 hours shall have this excess accumulated vacation leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes only. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at

retirement subject to and in accordance with the provisions of the North Carolina Local Governmental Employees' Retirement System.

Employees are cautioned not to retain excess vacation leave until late in the calendar year due to the necessity to keep County functions operating. Large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulated 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 vacation leave scheduled or in receiving exception to the maximum accumulation and carry-forward allowance. Employees may not receive pay for excess vacation leave.

Payment of Leave Upon Separation

An employee, who separates from County service and upon returning all County property issued to that employee, shall be paid for vacation leave accumulated to the date of separation not to exceed a maximum of 30 days or 240 hours. This is a lump sum payment. Where an employee is involuntarily separated from employment under egregious circumstances, accumulated vacation leave payment may be withheld.

Employees must provide at least a two-week notice to the supervisor and/or Department Head. Any employee failing to provide the notice may forfeit payment for accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.

Employees retiring on Disability Retirement may exhaust vacation leave prior to entering Disability Retirement in lieu of being paid a lump sum.

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave, up to the 30 days or 240 hours.

Scheduling of Vacation Leave

Vacation leave shall be granted in accordance with this policy and as approved by the Department Head and at such time or times when such leave will least interfere with the efficient operation of the County business. Vacation leave will not ordinarily be granted when the employment of temporary assistance will be necessary during the absence of the permanent or career status employee. Employees should advise Department Heads and/or Supervisors as early as possible with request to use vacation leave. Leave forms shall be completed and used as documentation of vacation leave.

Every effort will be made to accommodate requests for vacation leave. Requests may be disapproved because of workload or staffing levels. All requests are approved or disapproved by the Supervisor and/or Department Head.

When a local employee transfers from one approved transferring agency to another transferring agency, vacation leave, not to exceed 30 days or 240 hours, or any portion of

unused leave may be transferred to the accepting agency. If an employee requests such and is paid for unused vacation leave at the time of transfer to a local agency, this will not preclude consideration for transferring sick leave.

Section 7. Sick Leave

A. Sick leave with pay is not a right that an employee may demand but a privilege granted by the Board of County Commissioners for the benefit of an employee when appropriate.

Sick leave may be granted for:

1. The employee's own, parent, spouse or dependent child's scheduled hospitalization or medical procedure, medical appointment, dental appointment, sickness or bodily injury.
2. An employee's actual period of temporary disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and a reasonable time for recovery.
3. Death in the employee's immediate family, not to exceed three (3) days for any one occurrence. Immediate family, for this purpose, is defined as spouse, parents, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, all step, half, and in-law and adopted relationships.
4. Quarantine, isolation or exposure to a contagious disease when continuing to work might jeopardize the health of others.
5. Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period prior to the beginning of Workers' Compensation benefits.

B. Notification of the desire to take sick leave should be submitted to the employee's Supervisor prior to the beginning of shift or workday, if possible, but no later than two hours after the workday begins. In the event of onset of illness that precludes in-person notification of the Supervisor, the employee is responsible for notifying their Supervisor or Department Head by telephone. It will be unacceptable to leave a message. When both Supervisor and Department Head are unavailable, another Supervisor may be contacted. Notification by another employee, friend or relative is not normally acceptable except in an emergency situation where the employee is physically unable to make the notification.

Sick leave may be taken in units of 15-minute increments.

Vacation leave may be used to supplement sick leave. When all leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head with the approval of the County Manager.

C. Rate of Accumulation

Each career status, permanent and probationary full-time employee, occupying a permanently established position requiring a basic workweek shall earn sick leave on a monthly basis at the rate of 8 hours for each month worked. If the employee is in pay status for one-half or more of the regularly scheduled workdays and holidays in the month, sick leave is earned.

Sick leave may be accumulated in unlimited amounts.

D. Sick Leave Transfer

Unused sick leave earned from another North Carolina government agency by an employee who participates in the North Carolina Local Governmental Employees' Retirement System, the North Carolina Employees' and Teachers' Retirement System and any others approved by the North Carolina State Retirement System will be accepted and transferred to the County as follows:

1. Verification of accumulated sick leave must be received in writing from the previous employer.
2. Verification may be received in days or hours.
3. The total number of days accepted will be added to the employee's record at the time of employment with Hyde County upon approval by the County Manager.

E. Verification of Sick Leave

The employee's Department Head may require a statement from the employee's physician indicating that the employee was unable to report for work so that there will be no abuse of sick leave privileges. Statements may also be required for absences in excess of three (3) consecutive scheduled workdays. In that event, an employee may also be required to have his or her physician complete an FMLA leave request, as such leave will be designated by the County as FMLA leave, if appropriate. At the expiration of an authorized sick leave, the employee's Department Head may require a physician's statement confirming that the employee is able to resume his or her normal work activities.

F. Separation and Retirement Credit

All unused sick leave is lost upon separation of employment except when separation is due to retirement.

At the time of retirement, employees who are members of the North Carolina Local Government Employees' Retirement System are allowed one (1) month of retirement credit for each twenty (20) days of accrued sick leave. One additional month is credited for any part of twenty days' unused sick leave left over. There is no maximum number of days that may be credited.

At the time of separation, any sick leave owed the County shall be deducted from the employee's final compensation. Abuse of sick leave may result in disciplinary action.

Employees who resign and are not reinstated with the County within a period of three (3) years shall lose all sick leave credits. No employee shall be paid for any accrued sick leave upon termination of employment.

Section 8. Leave Without Pay

The Department Head, with the approval of the County Manager, may grant a County employee an extended leave of absence without pay for a period not to exceed six months for reasons of personal or family concerns. When a period of leave without pay ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. The employee shall be guaranteed a position of the same classification, seniority and pay.

Requests for leave without pay shall be submitted to the Department Head as far in advance as possible. Factors to be considered include the necessity, duration of leave, workload and other factors considered in the best interest of the County.

An employee shall use vacation, sick and compensatory leave prior to going on leave-without-pay status. Vacation and sick leave credits will not accrue during leave without pay. Individual medical 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 one-half the working days during the calendar month or is within the twelve weeks of covered leave under FMLA. The employee, however, may continue to be eligible for any benefits under the County's group plans, provided that the employee pays for the complete premium by payroll deadlines. Failure to do so, will forfeit the employee's eligibility.

If a holiday falls during the leave- without- pay period, an employee does **not** receive the holiday pay. Any employee that is on leave without pay will not accrue vacation or sick leave and will not receive credit in the North Carolina Local Government Employees' Retirement System for that time.

Failure to report for duty at the expiration of the leave-without-pay period, unless an extension has been approved, shall be considered a resignation.

All dates of personnel status changes and longevity implementation will be revised to compensate for the period each employee is on a leave-without- pay period.

Section 9. Family and Medical Leave Policy

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote stability and economic

security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

The National Defense Authorization Act of 2008(NDAA) amended the Family and Medical Leave Act, effective January 16, 2009, to allow the addition of military family leave entitlements whereby eligible employees may take up to twelve weeks of job-protected leave in the applicable twelve-month period for any "qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. The NDAA also amended the Family Medical Leave Act to allow eligible employees to take up to 26 weeks of job-protected leave in a "single twelve-month period" to care for a covered service member with a serious injury or illness. Other unclear areas of the Family and Medical Leave Act were also amended for the purpose of providing clarity to the policy and improving communications between employees, employers and medical providers.

A. Definitions

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

2. Child – a son or daughter who is under 18 years of age or
   Is 18 years of age or older and incapable of self-care because of a mental or physical disability, and who is:
   A biological child;
   An adopted child;
   A foster child – a child for whom the employee performs the duties of a parent as if it were the employee's child;
   A stepchild – a child of the employee's spouse from a former marriage;
   A legal ward – a minor child placed by the court under the care of a guardian; or
   A child of an employee standing in loco parentis.

3. Spouse – a husband or wife recognized by the State of North Carolina.

4. Serious Health Condition – an illness, injury, impairment, or physical or mental condition that involves:
   Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such impairment; or
   Continuing treatment by a health care provider involving one or more of the following:

A period of incapacity as defined above of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

Treatment two or more times by health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider, or a provider of health care services (e.g. physical therapist) under orders of, or on referral by a health care provider. The first treatment must take place within the first seven days of incapacity and both within thirty days of the first day of incapacity; or

Treatment of at least one occasion resulting in a regime of continuing treatment under the supervision of the health care provider (course of prescription medication, i.e., antibiotic, or therapy requiring special equipment to alleviate the health condition, i.e., oxygen); or
Any period of incapacity due to pregnancy or for prenatal care, even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days (prenatal examination, severe morning sickness): or

Any period of incapacity or treatment due to a "chronic serious health condition," even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days, which is defined as one:

Requiring periodic visits or treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider;

Continuing over an extended period of time (including recurring episodes of a single underlying condition); and

Which may cause episodic rather than continuing period(s) of incapacity (e.g. asthma, diabetes, epilepsy, etc.).

Incapacity for a permanent or long-term condition for which treatment may not be effective (Alzheimer's, a severe stroke or terminal stages of a disease).

Multiple treatments for restorative surgery or incapacity for serious conditions that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (chemotherapy, radiation, dialysis, etc.)

5. Health Care Provider

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of North Carolina; or

Any other person determined by statute, credential, or licensure to be capable of providing health care services which include:

Podiatrists
Dentists
Clinical psychologists
Optometrists
Chiropractors (limited to manual manipulation of spine to correct subluxation shown on radiographs).
Nurse practitioners
Nurse midwives
Clinical social workers
Christian Science practitioners listed with First Church of Christ, Scientists in Boston, MA (Note: In this situation, the employee cannot object to an agency requirement to obtain a second or third certification other than Christian Science practitioner.)
Health care providers from whom state approved group and HMO health plans will accept certification of serious health condition to substantiate a claim for benefits.
Foreign health care provider in above stated areas who are authorized to practice in the country and who are performing within the scope of the laws.

6. Workweek – The number of hours an employee is regularly scheduled to work each week.

7. Reduced Work Schedule – A work schedule involving fewer hours than an employee is regularly scheduled to work.

8. Intermittent Work Schedule – A work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time, usually to accommodate some form of regularly scheduled medical treatment.

9. Month Period - The 12-month period measured forward from the date any employee's first FMLA leave begins.

10. Military Caregiver Leave – A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

11. Service Member- Is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

12. Serious Injury or Illness – One that is incurred by a service member in the line of duty, on active duty, that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

13. Qualifying Exigency Leave – A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for the Family and Medical Leave Act leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent who is a member of the Armed Forces, including National Guard and Reserves, who is on covered active duty or has been notified of an impending call or order to covered active duty.

B. **Employee Eligibility**

Determining Eligibility – An employee's eligibility for Family/Medical Leave shall be made based on the employee's months of service and hours of work; as of the date leave is to commence. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more cannot be counted unless the break is caused by the employee's fulfillment of his or her National Guard or Reserve military obligation.

Career Status, Permanent, and Part-time – eligible employees who have been employed with Hyde County for at least 12 months and who have been in pay status at least 1,250 hours during the previous 12-month period are entitled to a total of 12 workweeks, paid or unpaid, leave during any 12 month period for one or more of the reasons listed below.

1. For the birth of a child and to care for the newborn child after birth.

2. For the placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following adoption;

3. For the employee to care for the employee's child, spouse, or parent, while that child, spouse, or parent has a serious health condition; or

4. Because the employee has a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position.

5. For an employee whose spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation. Qualifying exigency leave is designed to provide employees an opportunity to address issues which arise when a family member is called to active duty.

6. For employees who must care for a family member who has been injured or became ill while serving in the armed forces.

Leave without pay beyond the 12-week period and leave for employees not covered under the Family and Medical Leave Policy shall be administered under the Leave Without Pay Policy. Under these provisions, employees must pay for health benefits coverage. Separation due to unavailability after all leave has been exhausted may apply in some cases.

Temporary Employees – This policy does not cover temporary employees since the maximum length of a temporary appointment is one year.

C. **Leave Charges**

Periods of paid leave and periods of leave without pay count toward the 12 workweeks to which the employee is entitled.

For purposes of determining the amount of leave used by the employee, the fact that a holiday(s) may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave.

Workers' Compensation Leave – If an employee is out on workers' compensation drawing temporary total disability, the time away from work is considered as a part of the FMLA 12 week entitlement and will run concurrently. Workers' Compensation leave is considered a paid leave, rather than unpaid leave, although the employee is usually paid 2/3 of his/her regular wage.

Compensatory Leave - An employee shall use FLSA compensatory time concurrently with FMLA leave.

Substitution of Paid Leave – All employees will be required to exhaust accumulated sick leave and compensatory leave prior to going on leave without pay.

D. Intermittent Leave or Reduced Work Schedule

Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for child birth and birth related child care or for adoption unless the employee and the County agree otherwise; however, when medically necessary, the employee may take leave intermittently or on a reduced scheduled to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition.

There is no minimum limitation on the amount of leave intermittently; however, the County may not require leave to be taken in increments of more than one hour.

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

Only the time actually taken as leave may be counted toward the 12 weeks of leave to which the employee is entitled when leave is taken intermittently or on a reduced leave schedule. (For example, an employee normally works 40 hours each week. The employee is on a reduced work schedule of 20 hours per week. The FMLA leave may continue for up to 24 calendar weeks.)

E. Hyde County Responsibility

Each time an employee provides notice of the need for FMLA leave, the agency shall provide the employee with written notice detailing the specific expectations and obligations of the employee.

1. Notice of Eligibility and Rights and Responsibilities

   Employees of Hyde will be required to provide a formal request for the need for FMLA leave. Once management has received the request, the employee will be notified that he/she is eligible for FMLA leave within five business days after receiving a request for FMLA leave or within five days of acquiring knowledge that an employee is absent for an FMLA-qualifying reason. The notice will be in writing and in those cases where the employee is not eligible, he/she will be provided the reasons for the ineligibility.

   When an employee is on paid leave but has not given notice of the need for FMLA leave, the County shall, after a period of three workdays, request that the employee provide sufficient information to establish whether the leave is for a FMLA-qualifying reason. If an absence, which begins as other that FMLA later, develops into an FMLA qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA. Leave may be designated as FMLA leave retroactively.

   If an employee is out for a reason that qualifies for FMLA leave and the County does not learn of the reason for the leave until the employee returns to work, the County may designate the leave as FMLA leave within two regular business days of the employee's return.

   Employees shall be provided a Notice of Eligibility and Rights and Responsibilities (US DOL Form WH 381) documenting the receipt of the employee request for FMLA, the purpose of the request and the designation of eligibility. In situations where the employee does not meet eligibility requirements, the County will provide reasons for the employee's ineligibility.

At the same time that the County notifies the employee that he/she is eligible for FMLA leave, it must also give the employee a notice that details the specific rights and the specific expectations and obligations of the employee on FMLA leave. The rights and responsibilities notice must also include the following information:

Whether the employee must provide a medical certification;
Whether the leave will count against the employee's 12-week FMLA entitlement;
Whether the County requires the use of accrued paid leave in lieu of unpaid leave;
That the employee may elect to use accrued paid leave in place of unpaid leave and any conditions related to the substitution of paid leave for unpaid leave;
Whether the employee needs to make contributions toward health insurance premium payments and, if so, what arrangements the employee needs to make, as well as the consequences of a failure to make contribution payments;
That the employee is liable for reimbursing the County for health insurance contributions if the employee fails to return to work upon the conclusion of FMLA leave;
Whether the employee is a "key employee" of Hyde County and the reasons why restoration may be denied upon the conclusion of FMLA leave;
That the employee has the right to return to the same or an equivalent job.
Whether the employee must provide periodic updates on his/her condition during the period of FMLA leave;
Whether the employee must provide a fitness-for-duty certification before returning to work.

2. Medical Certifications

The County must allow the employee fifteen calendar days to obtain a medical certification from the medical provider(s). If the employee does not return the certification within the 15-day period, the employee loses his/her right to FMLA and to return to the same or substantially equivalent position. It will not be a violation of the Family Medical Leave Act to either deny FMLA or to terminate an employee who has not returned a medical certification within 15 days. The County is entitled to a complete and sufficient certification. If for some reason the certification is incomplete or insufficient, the employee will be notified that he/she will have seven additional, calendar days in which to provide the required information. FMLA leave may be denied to any employee requesting leave who fails to return a medical certification or who fails to return a complete and sufficient certification after being given seven days to resubmit it. In accordance with the Department of Labor and HIPAA regulations, a County representative may directly contact a medical provider for clarification in regard to information useful in the determination of a serious health condition.

At the time the County requests certification, representatives shall advise the employee of the anticipated consequences of an employee's failure to provide adequate certification and shall provide the employee a reasonable opportunity to

correct any incomplete information. If the employee uses paid sick leave, the County shall require the employee to provide a medical certification as specified in the Sick Leave Policy and not the more stringent FMLA medical certification.

If the County has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion at the County's expense. Pending receipt of the second (or third) opinion, the employee may be placed on FMLA retroactively. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave.

If the opinions of the employee's and the County's designated health care providers differ, the County may require the employee to obtain certification from a third health care provider, again at the County's expense. This third opinion shall be final and binding. The third health care provider may be designated or approved jointly by County and the employee.

For Medical Certifications use the US DOL WH-380E – Certification of Health Care Provider for Employee's Serious Health Condition for all employees who have a serious health condition. A list of essential functions or a completed, accurate description for the position the employee occupies will be attached to the medical certification for the purpose of assisting the medical provider in understanding the expectations and essential functions required of the employee.

The US DOL H-380-F – Certification of Health Care Provider for Family Member's Serious Health Condition form will be utilized for certifying a serious health condition of an employee's family member.

3. Notice and Designation Requirements

Once the County has received a completed medical certification form, or otherwise has acquired enough knowledge to determine whether the employee is entitled to FMLA leave, the employer must give the employee a separate Designation Notice advising the employee that the leave is being designated FMLA leave within five business days. Regardless of whether the information was included in the eligibility and rights and responsibilities notice, the County will include the following information in the designation notice:
Whether accrued paid leave will be substituted for unpaid leave;
Whether the employee must provide a fitness-for-duty certification before returning to work;
A list of the employee's essential job functions, if the fitness-for-duty certification must address the employee's ability to perform essential job functions; and
Notice of the amount of leave that will be counted against the employee's FMLA entitlement.
US DOL Form WH-382 may be utilized for the Designation Notice.

4. Re-certification of Medical Conditions

The County may request re-certification no more often than 30 days unless: (a) an extension is requested, (b) circumstances described by the previous certification have changed significantly or (c) the County receives information that casts doubt upon the employee's stated reason for the absence.
If the minimum duration specified on a certification is more than 30 days, the County may not request re-certification until that minimum duration has passed. The employee must provide the requested re-certification to County within the time frame requested (which must allow at least 15 calendar days after the agency's request), unless it is not practicable under the particular circumstances.

G. Employee/Supervisor Responsibility

The employee shall give notice to the Supervisor for leave requested under this policy. The employee must explain the reasons for the needed leave in order to allow the County to determine that the leave qualifies under the Act. In some of the Hyde County agencies to include the Health Department and Department of Social Services, the FMLA process is administered within the respective department. Other Department Heads shall notify the Human Resources Office and refer the employee to the Human Resources Office, which will manage the FMLA process.

1. Birth or Adoption – The employee shall give the County no less than 30 days notice, in writing, of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable, which becomes known to the employee.

2. Planned Medical Treatment – When the necessity for leave to care for the employee's child, spouse or parent or because the employee has a serious health condition, the employee must give 30 day's notice if practical of the intention to take leave.

3. Medical Emergency – In the case of a medical emergency requiring leave because of an employee's own serious health condition or to care for a family member with a serious health condition, the County shall not require written advance notice.

If the employee will not return to work after the period of leave, the employee shall notify the County in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

H. Qualifying Exigency Leave

The FMLA requires Hyde County to grant up to twelve weeks of leave for certain qualifying exigencies to employees whose spouse, child of any age or parent who is a

member of the Armed Forces, including National Guard and Reserves, and who is on covered active duty or has been notified of an impending call or order to covered active duty. This form of FMLA is defined as qualifying exigency leave. Qualifying exigency leave is designed to give employees time to deal with some of the informational, financial and child-related issues that arise when a family member is called to or on active duty.

The US Department of Labor defines qualifying exigency as:

1. Deployment of a service member with seven or fewer days notice;
2. Military ceremonies and events, as well as support, family-assistance or informational programs related to a service member's active duty or call to active duty status;
3. Providing urgent, immediate childcare or arranging for alternative childcare for the children of service members on or called to active duty;
4. Attending school or daycare meetings relating to the child of a service member on or called to active duty;
5. Making financial or legal arrangements related to a service member's active duty status or call to active duty;
6. Post-deployment activities for a period ninety days after the termination of the service member's active duty status.
7. Qualifying exigency leave is limited to situations in which a call or order to active duty status is in support of a contingency operation. The active duty orders of a service member will generally state whether he/she is serving in support of a contingency operation.
8. Rest and Recuperation for up to 15 days

In the FY 2010 National Defense Authorization Act Amendments, regulations have been extended for FMLA leave to include eligible employees with family members serving in the Regular Armed Forces for qualifying exigencies arising out of service member's deployment including foreign deployment. The foreign deployment applies to the deployment of all service members to include National Guard, Reserves, Regular Armed Forces. Qualifying exigency leave may be taken on an intermittent or reduced schedule. Notice of the need for qualifying exigency leave must be "as soon as practicable".

I. Certification for Qualifying Exigency Leave

Employees requesting qualifying exigency leave shall provide:

1. A copy of the military member's active duty orders or other documentation issued by the military indicating that the military member is on or called to active duty in support of a contingency operation and the dates of active duty service, and
2. A certification from the employee setting forth facts supporting the employee's need for leave in this situation, the approximate starting date on which the qualifying exigency began or will begin, the beginning and ending dates of the absence for which the employee is requesting FMLA qualifying exigency leave

and if the employee is meeting with a third-party, identifying and contact information for the third party and a description of the meeting's purpose.

Hyde County shall not request re-certification of the covered service member's active duty or call to active duty orders. The County shall request certification of the need for qualified exigency leave and shall request the certification in writing within five days of the request for or beginning of leave and the certification must be completed and returned within fifteen days of its receipt from the County.

The US DOL Form WH-384 will be required to request a certification of qualifying exigency for military family leave.

J. Military Caregiver Leave under the FMLA

1. FMLA-eligible employees may take up to 26 weeks of leave within a twelve-month period to care for a family member who has been injured or become ill while serving in the armed forces. Employees may take military caregiver leave to care for current member of:
2. Regular Armed Forces
3. National Guard or Reserves
4. National Guard or Reserves who are on the temporary disability retired list, who have a serious injury or illness incurred in the line of duty on active duty that enders them medically unfit to perform the duties of his/her office, grade or rating, and for which the service member is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list.

The spouse, "son or daughter of a covered service member," "parent of a covered service member" or "next of kin of a covered service member" may take military caregiver leave under the FMLA.

An employee shall give notice of the need for military caregiver leave:

1. 30-days in advance, when the need for military caregiver leave is foreseeable. Either the same day or the next business day, when the need for military caregiver leave was not foreseeable.
2. A medical certification of the need for leave from the healthcare provider of the service member. For the purpose of military caregiver leave, the health care providers who may complete the certification include Department of Defense providers, Department of Veterans Affairs providers, TRICARE network authorized private providers and non-network TRICARE authorized private providers. A medical certification for military caregiver leave may request information sufficient to establish the employee's need for leave, including the following information:
3. A statement of medical facts regarding the service member's health condition—specifically, facts relating to whether the injury or illness render the service

member medically unfit to perform the duties of his or her military office, grade, rank or rating and whether the member is receiving medical treatment, recuperation or therapy;
4. Information sufficient to establish that the service member is in need of care;
5. A description of the care to be provided to the service member and an estimate of the leave needed to provide the care, and
6. The relationship of the employee to the service member.

Certification of the need for military caregiver leave is subject to the same time requirements as FMLA leave. The County must request the certification in writing within five days of the request for or beginning of leave and the certification must be completed and returned within fifteen days of its receipt from the employer. Because military caregiver leave differs from FMLA leave to care for a family member with a serious health condition, the County will not use the same certification form for traditional FMLA leave and military caregiver leave. US DOL Form WH-385 will be utilized for requests of military caregiver leave.

Like FMLA leave requests, the timing requirements for certification of the need for military caregiver leave are the same, fifteen calendar days after receiving the form from the agency. For military caregiver leave, second and third opinions in addition to re-certification are not permitted. The County shall accept an "invitational travel order" or "invitational travel authorization" issued to a family member to join an ill or injured service member at his or her bedside in lieu of the Form WH-385.

The employee is eligible for 26 weeks of leave to care for the service member during a single twelve-month period. Employee is also entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason in a year in which she or he takes military caregiver leave. The single twelve-month period begins the first day the employee takes military caregiver leave and ends twelve months later; regardless of the method that the agency uses to determine FMLA entitlement for other forms of FMLA leave. Military caregiver leave may be taken on an intermittent or reduced leave schedule.

K. Employment and Benefits Protection

1. Reinstatement – The employee shall be reinstated to the same position held when the leave began or one of the like pay grade, pay, benefits, and other conditions of employment. Hyde County shall require the employee to report at reasonable intervals on the employee's status and intention to return to work. The County also shall require that the employee provide certification that the employee is able to return to work.

2. Benefits – The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.

3. Health Benefits – The County shall maintain coverage for the employee under the agency plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. Any health plan premiums that an employee paid prior to leave must continue to be paid by the employee during the leave period (e.g., dependent health coverage). The County must give advance written notice to employees of the terms for payment of premiums during FMLA leave. The obligation to maintain health insurance coverage stops if an employee's premium payment is more than 30 days late.

The County may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

L. Interference with Rights

Actions prohibited – It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.

Protected Activity – It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:

Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy.

Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.

Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

Section 10. Military Leave

A military leave shall be defined as a leave to fulfill a required military obligation. The provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) govern military leaves of absence. The purposes of USERRA are two-fold: to allow Americans to serve in the United States armed forces with minimum disruption to their civilian careers and to prohibit discrimination against those who have served in the uniformed services. Leave shall be granted to employees of Hyde County for certain periods of service in the uniformed services. No employee of the County shall discriminate against any employee of the County or applicant for County employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.

Definitions

Service in the Uniformed Service – The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes:

- Active duty (extended active duty; mobilization or call up of reserve components) active duty for training of reserve components (annual training – usually two (2) weeks or special schools)
- Initial active duty for training (initial enlistment in reserve or National Guard)
- Inactive duty training (drills – usually on weekends)
- Full-time National Guard (usually a 3-year contract), and a period for which a person is absent to determine fitness of the person to perform such duty
- Uniformed Services Armed Forces and the Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard), Commissioned Corps of the Public Health Services and any other category of persons designated by the President in time of war or national emergency.

National Guard – A reserve of the US Armed Forces. The NC Army and Air National Guard respond to the Governor as Commander in Chief and serve as the military arm of State government and respond to the President of the United States in time of war.

Notification to Employer

Military leave granted must be supported by appropriate documentation. The employee shall submit an order or written statement to the employee's Department Head from the appropriate military officer as evidence of duty for which military leave with pay is requested. Since individual orders are not issued to members of the National Guard, a statement from the commanding officer shall be sufficient. In lieu of a written statement, such leave may be verified through the Office of the Adjutant General.

Such leave shall be recorded in the employee's leave record and be designated as military leave. For periods eligible for military leave with partial pay, the County shall require the employee to provide a copy of their Leave and Earnings Statement issued by the National Guard and covering the eligible period in excess of 30 days.

Military Leave with Partial Pay

An employee who is a member of the Uniformed Services will be allowed ten (10) working days of military leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference between the base salary earned as a reservist and the salary that would have been earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period of ten (10) working days. If such military duty is required beyond this period of ten (10)

working days, the employee shall be eligible to take accumulated vacation leave or be placed on leave-without –pay status.

Leave with pay, up to the maximum of 10 working days shall be granted to members of the Uniformed Services for: active duty for training (including annual training or special schools), inactive and initial active duty training, and upon call-up or order to Federal active duty for an employee in one of the Reserve Components. Any additional military leave needed shall be charged to vacation or leave without pay at the discretion of the employee.

Retention and Continuation of Benefits During Leave With Pay

During the period of military leave with partial pay, the employee shall not incur any loss of total County service or retirement services or suffer any adverse services rating. The employee shall continue to accumulate sick and vacation leave, total County service credit and receive any promotion or salary increases for which otherwise eligible.

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

Military Leave Without Pay

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

- Extended active duty for a period not to exceed five years plus any additional service imposed by law;
- Full time National Guard duty (usually a 3 year contract);
- Initial active duty for training (initial enlistment);
- Designation of any other category of persons by the President in time of war or national emergency.

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

- Duties resulting from disciplinary action imposed by military authorities;
- Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.
- Take a required physical examination to determine fitness for duty in the uniformed services;
- To perform funeral honors duty.

Retention and Continuation of Benefits During Leave Without Pay

The employee may choose to have accumulated vacation leave:

- Exhausted, or
- Retained (part or all) until return to County service.

The employee shall:

- Retain accumulated sick leave
- Continue to earn time toward total County service, and
- Receive retirement service credit for periods of active duty up to the time the employee was first eligible for discharge if the employee returned to County employment within two years; or any time after discharge if they had completed at least 10 years of membership service in the Retirement System.

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

Reinstatement From Military Leave without Pay

The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for re-employment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or applying for reemployment are as follows:

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

Reinstatement shall be made if the employee separated/discharged from military service under honorable conditions and reports to work or applied for reinstatement within the established time limits.

Reinstated Position

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

If, during military service, the employee suffers a disability incurred in, or aggravated during, uniformed service, to the extent that the duties of the position cannot be

performed, the employee shall be reinstated to a position most nearly comparable to the position, with duties compatible with the disability and without loss of seniority.

Reinstated Pay

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

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

Section 11. Civil Leave

Each employee has a civic responsibility to serve as a juror when called upon to do so. Hyde County encourages its employees to aid the community by participating. A County employee called for jury duty or as a court witness for the federal or state government is entitled to leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty. If an employee is called to jury duty, the Supervisor must be notified immediately so that coverage may be provided during the employee's absence. While an employee is on leave for such jury duty or court service, his or her benefits and leave shall accrue as though the employee were actively performing employment duties.

When a County employee under subpoena in a case involving private litigation, or litigation by some party other than the federal government, state or a political subdivision thereof is called to testify in some capacity other than the employee's official capacity, the time absent by reason thereof shall be taken as vacation leave or as leave without pay.

Section 12. Parental School Leave

Hyde County employees who are parents of a school aged child, guardians of a school aged child or otherwise standing "in loco parentis" (in place of the parent) for a school aged child shall be allowed to use approved vacation and/or compensatory leave to attend activities at the child's school. If no vacation leave is available, time away shall be considered leave without pay. Leave under this section is subject to the following conditions:

- The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head;
- The employee will provide advance notice of at least forty-eight (48) hours; and
- If requested, the employee will provide written or other appropriate verification concerning the basis for the leave request. The definition of school includes public and private schools, church schools and preschools.

Section 13. Volunteer Leave

Volunteering is one of the greatest forms of civic engagement and the County appreciates volunteers who donate their time without compensation. Individuals shall be considered volunteers only where their services are offered freely and without pressure of coercion, direct or implied, from the County. Hyde County employees may volunteer their time to agencies (i.e. Volunteer Fire Departments, Ruritans, churches, etc.) providing they make their requests in advance and may be allowed to use approved vacation and/or compensatory leave for the volunteer service. If no vacation leave is available, time away shall be considered leave without pay. The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head

Section 14. Educational Leave

The intent and purpose of the educational leave policy is to benefit an employee whose intentions are to return to the County to work and to benefit Hyde County Local Government and its operations. Educational leave may be considered for employees of Hyde County subject to the recommendation of the employee's supervisor, Department Head and with approval of the County Human Resources Director and County Manager. The employee must request such leave a minimum of twenty workdays prior to the beginning of the course so as to allow sufficient time for the normal approval process. Circumstances under which leave may be requested are as follows:

- Employee is pursuing a degree in higher education or a specific class during business hours.
- Employee is seeking to increase his or her proficiency in job functions and adequate training is not available.
- Employee must be on permanent or career status and be working in the position long enough to be fully trained with absence from the Department not adversely affecting productivity.
- The evaluation of employee's work performance must be at or above standard with no involvement in any disciplinary process and remain so throughout educational leave.
- Employee must submit a proposal as to how time away from work will be scheduled to maintain his or her regularly scheduled work period (i.e. vacation leave, compensatory or flex time, adjusted work schedule).

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which County employee are entitled. An employee on approved

educational leave will be expected to report to work, as normally scheduled, when not in class or performing school related functions.

Section 15. Shared Leave

The Shared Leave Program is designed to provide employees the opportunity to assist and receive assistance from, other employees during periods of prolonged absences from work due to personal catastrophic medical conditions by donation of leave. The program is not designed to apply to an employee's incidental, normal, short-term medical conditions. A prolonged medical condition is generally one that is expected to require an employee's absence from work for a period of at least twenty consecutive days. The twenty-day period is intended to serve as a general guideline for shared leave, rather than an absolute requirement. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve months, an exception to the twenty-day period may be made.

In the case of a prolonged medical condition of an employee which causes an employee to exhaust all available leave, an employee must be in a permanent position and apply or be nominated to receive shared leave while supplying medical evidence to support the need for leave beyond available accumulated leave. Confidentiality requirements deem that the employee sign a written release form to permit the status of the "potential recipient of donated leave to be known. Participation is limited to a maximum 1,040 hours prorated for part-time employees. Donated leave is exempt from the maximum accumulation carryover limitations. Employees may apply for shared leave from the vacation leave account of another employee or employees. Immediate family for the purpose of this policy includes spouse, parents, and children or other dependents including step and in-law relationships that are likely to require an employee's absence from duty for a prolonged period.

An employee may donate leave, as outlined below, to an employee who has been approved to receive voluntary shared leave because of a medical condition of the employee that will require the employee's absence for a prolonged period of time.

General Guidelines

- Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.
- A employee may not directly or indirectly intimidate, threaten, coerce or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving or using vacation leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

Eligibility Requirements

- The employee must be a full-time or part-time (half-time or more) employee with a career status, permanent, probationary, trainee appointment. Participation in this program shall be based on the employee's past compliance with leave rules.
- Non -qualifying conditions: The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be addressed consistently and equitably.

Application Procedure

- By letter of application to the Department Head, a recipient shall apply or be nominated by a fellow employee to participate in the program.
- Application for participation would include name, classification, department from which donations of leave would be requested, description of the condition and estimated length of time needed to participate in the program. A doctor's statement must be attached to the application.
- Medical information is maintained in a confidential manner. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.
- The Department Head shall review the merits of the request; provide a recommendation and forward to the Human Resources Department for verification. The Human Resources Director will consult with the County Manager and based upon their recommendation for approval, will notify the employee and the employee's Department Head of the action to be initiated. The Human Resources Director will notify the entire employee population of the request for leave. All leave donations must be submitted to the Human Resources Department.

Recipient Guidelines

- A prospective recipient may make application for voluntary shared leave as such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave. Employees who participate in the Voluntary Shared Leave Program are eligible for one specified medical condition.
- At the expiration of the medical condition, as determined by the County, any unused leave in the recipient's donated leave account shall be treated as follows: (a) The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees). (b) Any additional unused donated leave will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

- If a recipient separates due to resignation, death or retirement from County government, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

Donor Guidelines

- The minimum amount to be donated is four hours.
- The maximum amount of vacation leave allowed to be donated by one individual is to be no more than the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the vacation leave accrual rate.

Leave Accounting Procedures

- To facilitate the administration of the program, the County may establish a specific time period during which leave can be donated.
- Each department shall establish a system of leave accountability that will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. The Human Resources Department will also maintain an accurate record of the donation and recipient use of donated leave.
- All leave donated shall be credited to the recipient's sick leave account. Voluntary shared leave available in the recipient's sick leave account will be charged according to the Sick Leave Policy.
- Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay or advanced vacation or advance vacation or sick leave already granted to the leave recipient.
- Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donor(s). Returned leave shall be credited to the same account from which it originally came. Employees who donate "excess" vacation leave (any amount above the 240 hours maximum allowable carryover) at the end of December may have it returned and converted to sick leave.

ARTICLE VII

PAY AND BENEFITS

Section 1. Pay Periods

All Hyde County employees shall be paid on the last day of each month for services. If the payday falls on a Saturday, Sunday or County-observed holiday, employees will be paid on the last workday before the Saturday, Sunday or holiday.

Section 2. Benefits Program

The Benefits Program is designed to provide financial protection for employees and their families and thereby enhance the County's ability to attract qualified employees who will provide positive and effective work performances. A number of approved payroll deduction plans are also available which provides employees with increased available income plans and an enhanced ability to save for retirement. Each employee is encouraged to make responsible decisions regarding both present needs and future financial stability.

All County full-time and part-time employees who work at least thirty (30) hours per week who occupy a permanent position are eligible for employee benefits as provided for in the Article. It is the discretion of the County to determine whether to allow the addition of a benefit or service and to provide for payroll deduction. In determining whether to allow for a payroll deduction, factors which will be considered include the performance, reputation and financial responsibility of the organization requesting the service and whether there is sufficient interest by a reasonable number of employees. Employees will be notified at the time of benefit additions, deletions and revisions. The following is a list of benefits offered by Hyde County which are required by law:

- Workers' Compensation
- Unemployment Compensation
- Social Security
- Retirement, if the employee has worked the required number of hours.

Section 3. Health Insurance

Subject to the annual budgetary process and appropriations, the County shall provide hospitalization insurance in an amount equivalent to a single employee's coverage for all permanent, career status, trainee and probationary employees. Such an employee, who is working or on paid leave for one-half or more of the regularly scheduled workdays in a month, shall be eligible for group hospitalization insurance.

Any qualified employee wishing to have additional hospitalization in the form of other family-type coverage may do so at their expense and have it payroll deducted if it is a County-wide plan. All new employees shall become eligible for hospitalization and the

cost of coverage paid a full-time and part-time employee shall be paid by the County with the remainder of the cost being paid by the employee. If an employee is on leave of absence without pay, that employee can remain covered under the County's group hospitalization plan but must pay the entire premium to the County Human Resources Office prior to the first working day of the month they are to be covered. Insurance ceases on the last day of the month upon separation whether voluntary or involuntary. Employees in permanent full-time or permanent part-time positions must work at least thirty hours a week and receive a W-2 form from the County in order to receive medical benefits. No other class of employees is eligible for hospitalization.

Hospitalization – Insurance Coverage for Retirees

The County shall provide hospitalization insurance for retiring employees at the following rates.

1. The County will pay 30% of the cost of the premiums for an employee retiring with twenty (20) years of continuous service with Hyde County.
2. The County will pay 60% of the cost of the premiums for an employee retiring with twenty-five (25) years of continuous service with Hyde County.
3. The County will pay 100% of the cost of the premiums for an employee retiring with thirty (30) years of continuous service with Hyde County.

Hyde County will continue to pay for insurance coverage up to the time the employee becomes eligible for Medicare. The cost for the retiree's share of the premiums, if any, will be determined on an annual basis. Service time credit with the County will be calculated based on actual service time and any balance of sick leave time that is on record with the County at the time of retirement.

Section 4. Retirement Benefits

The County provides a retirement program for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officers' Benefits and Retirement Fund. Upon employment, a new employee shall be required to join the County retirement plan as long as the employee is scheduled to work a total of 1,000 hours or more per year.

Employees contribute, through payroll deduction, six per cent of their gross salary to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system. Provisions of this system are further outlined in the North Carolina Local Governmental Employees' Retirement System handbook available from the County Human Resources Office and online at www.nctreasurer.com .

There shall be no mandatory retirement age imposed on employees except in positions where a bona fide occupational qualification exists in compliance with the Age Discrimination in Employment Act Amendment.

Section 5. Unemployment Insurance

In accordance with the North Carolina General Statutes, local County employees are covered by unemployment insurance. County employees who are reduced in force or released from County service may apply for unemployment insurance compensation through the local office of the Division of Employment Security (DES). The DES will determine the employee's eligibility for benefits based upon the facts surrounding the separation or termination. All requests received from the DES must be completed by the County Human Resources Office.

Section 6. Social Security

The Federal Social Security Program provides benefits for eligible wage earners. The funds necessary for the program are collected both from the employees and from the County. Under the law, the County is required to deduct the worker's share from his paycheck, match that amount, and pay the total into the Federal Treasury. The Federal Government pays benefits to the employee or his/her heirs.

Section 7. Women's Health and Cancer Rights Act

Federal law requires that all plan participants be notified annually of their rights under the "Women's Health and Cancer Rights Act". The law requires that all group health plans that provide coverage for a surgically removed breast must also:

- Provide coverage for reconstruction of the surgically removed breast;
- Provide coverage for surgery and reconstruction of the other breasts to produce a symmetrical appearance;
- Provide coverage for prostheses and any physical complications that may occur in any stage of a mastectomy, including lympphedemas (swelling associated with the removal of lymph nodes.)

Coverage for breast reconstruction and any related services will be subject to any Plan deductible and covered percentage amounts that apply to other covered medical benefits of the Plan.

Section 8. Workers' Compensation

Hyde County provides Workers' Compensation for those employees who may be hurt or injured on the job. Employees are required to report any work related accident or illness immediately to the Supervisor. Failure to do so may result in the denial of Workers' Compensation benefits.

An employee who must be absent from work due to a work related injury is required to use any available leave time for the first seven days of his or her absence. Workers' Compensation benefits will begin thereafter on accepted claims. After the first seven days, employees will no longer receive compensation from the County while being paid

by Workers' Compensation. The employee will not receive credit in the Local Government Employees Retirement System while they are paid through Workers' Compensation.

Employees on Workers' Compensation leave are expected to comply with all medical treatment provided, and are expected to accept any medically approved light duty assignment offered to them. The County will address any failure to comply by filing the appropriate motions for compliance and/or to terminate benefits with the North Carolina Industrial Commission.

Section 9. Life Insurance

Hyde County offers various Life Insurance plans to County employees. Information on costs, coverage and benefits are available from the Human Resources Office. The County may also offer other insurance plans to employees upon authorization from the County Manager or Board of County Commissioners.

Section 10. LEO Supplemental Retirement Benefits (401-K)

It is the policy of Hyde County to defer a portion of law enforcement employees' income before taxes into a 401-K tax deferment plan. The County provides contributions of 5% to a 401-K plan for active law enforcement personnel as required by the State.

Section 11. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for the current job or prepare them for promotional opportunities within the County service. Tuition, registration, fees, laboratory fees and student fees are eligible expenses. Employee may be reimbursed eligible expenses up to a total of eight hundred dollars ($800) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Human Resources Office prior to course registration and are subject to the review and approval of Department Head and County Manager, subject to availability of funds.

Section 12. Credit Union

Membership in the Local Government Employees' Credit Union is open to all County employees for various loan services, checking and savings accounts. Membership in the State Employees' Credit Union is open to all employees subject to the State Human Resources Act and their family members for various loan services, checking and savings accounts.

Section 13. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by North Carolina General Statute 128-21 (11b) or North Carolina General Statute 143-166.50, shall be eligible for a separation allowance, as provided by North Carolina General Statute 143-166.42, in the amount specified in North Carolina General Statute 143-166.41(a). The purpose of this allowance is to provide additional income until the law enforcement officer is eligible for social security benefits with the consideration that the law enforcement officer may no longer be able to perform law enforcement work. Given this purpose, eligibility and continuation of these benefits are subject to the following conditions:

1. The officer shall have completed 30 or more years of creditable service, or have attained 55 years of age and completed five or more years of creditable service; and
2. Not have attained 62 years of age;
3. Have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined in North Carolina General Statute 143-166.41 (a)(3) and 143-166.41(b); and
4. The law enforcement officer, after separation from employment with the County, notifies the County of any new employment involving state, local or federal law enforcement duties. Such notification shall, include the nature and extent of the employment, any change of employment status, and any discontinuation of employment, within five (5) days of the new employment, change or discontinuation.

Such allowance shall terminate at death, or the last day of the month prior to which the officer attains 62 years of age, or upon the first day of re-employment into a sworn position by any federal, state or local law enforcement department, agency or institution, whether in North Carolina or elsewhere in a job scheduled for 1000 or more hours per year.

Section 14. Housing Allowance

Full-time employees who reside and work on Ocracoke Island shall receive a housing allowance of six-thousand ($6,000) dollars per year paid monthly. Proof of residency is required by providing the Human Resources Office with a physical address.

ARTICLE VIII

SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

The separation, disciplinary and reinstatement policies are implemented to provide for County employees and management a fair, clear and useful tool for addressing separation of employment. Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a Supervisor or Department Head to be unacceptable, disciplinary action may be initiated in various methods, depending on the nature of the offense. All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may be voluntarily separated from County service by either resignation or retirement. Employees may be involuntarily separated from County service by reduction in force, disability, dismissal or death. Some policies may not be applicable to the Sheriff's Office, Health Department, Social Services Department, Emergency Management Coordinator or Register of Deeds.

Section 1. Resignation

An employee may resign from employment with Hyde County by submitting a letter of resignation with a minimum of two weeks notice. A letter of resignation is required and shall be submitted to both the immediate Supervisor and the Department Head. Upon concurrence with the Department Head, the County Manager may waive the notice requirement in cases where immediate separation is in the best interest of the County. Failure to provide minimum notice may result in forfeit of payment for accumulated vacation leave unless the notice is waived upon recommendation of the Department Head, Human Resources Director and approved by the County Manager.

Upper management positions, such as Department Heads, should submit a letter of resignation with at least two weeks notice; however, when possible, a 30-day notice is preferred. Department Heads should submit a letter of resignation directly to the County Manager, with exception of the Social Services and Health Director who shall submit a letter of resignation to their respective boards.

Section 2. Voluntary Resignation without Notice

An employee voluntarily terminates employment with Hyde County by failing to report for work without giving written or verbal notice to the Supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the Department Head or Supervisor has taken reasonable efforts, such as calling the employee at the last known home telephone number, to assess if the employee intends to return to work. Sick leave will only be approved during the final two weeks of a notice with a physician's certification verifying illness.

Such a separation is considered voluntary and carries no grievance or appeal rights granted to the employee.

Unused vacation leave (not to exceed 240 hours) will be paid in a lump sum. Payment shall not be made for any unused sick leave.

Section 3. Retirement

An employee may retire when the employee is eligible for retirement benefits. The employee shall give a minimum of two weeks notice of retirement, but should inform the Department Head as soon as the decision is made to retire, up to six months in advance. The Local Government Employees' Retirement Handbook addresses all rules, policies, and procedures for the retirement process, including eligibility.

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. The employee or the County may initiate action. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head and in some cases, in coordination with the County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice. The County will address reasonable accommodations and other avenues of compliance with the American with Disabilities Act.

Section 5. The Disciplinary Process

Employees employed by the Hyde County Department of Social Services and the Hyde County Health Department and the Emergency Management Coordinator are directly subject to all sections of the State Human Resource Act. General County Employees are not subject to this act. The State Human Resources Act does, however, provide the framework for which all disciplinary guidelines will be administered.

The Sheriff's Office and Register of Deeds and their respective employees are not subject to the above guidelines but are subject to the North Carolina General Statutes which provide the Sheriff and Register of Deeds the right to discharge an employee at will without any due process. Therefore, both department heads have the authority to determine the application of the steps within the outlined policy, if any at all.

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority. Such actions may be taken against a General County employee with permanent status or a career status employee who occupies a position subject to the provisions of the State Human Resources Act. Disciplinary actions shall be initiated by the Department Head and implemented with the concurrence of the County Manager. The degree and type of action taken shall be based upon the sound and reasonable judgment of the appointing authority in accordance with

the provisions of this policy and only for just cause. When just cause exists, the disciplinary actions provided for under this Section are:

- Written disciplinary action
- Disciplinary suspension without pay
- Disciplinary Demotion
- Dismissal

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

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

Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

A. Unsatisfactory Job Performance: work-related performance that fails to satisfactorily meet job requirements as set out in the relevant position description, work plan, or as directed by the management of the work unit or agency.

   Employees that fail to meet the standards of the position description and fail to satisfactorily perform the job at an acceptable level are subject to the Disciplinary Process if a series of work performance conferences have been conducted and failed to obtain desired results. The following steps will occur when an employee demonstrated Unsatisfactory Job Performance:

   1. Written disciplinary action – an employee who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance as directed, may receive a written disciplinary action. A disciplinary conference will be conducted with at least the Supervisor to inform the employee of the following:
      a. Specific deficiencies that are the basis for the written disciplinary action including specific examples that constitute evidence. Review reasonableness of standards and the impact of employee's failure.
      b. Specific improvements that must be made to correct the unsatisfactory performance.
      c. The time allowed to make said improvements.
      d. Consequences of failure to meet corrective action plan or any other performance/personal conduct requirements.
      e. Also include a brief summary referencing any previous disciplinary actions.

The Supervisor will also inform the employee that all points covered in the conference will be forwarded to them in a formal written disciplinary action or the Supervisor may choose to have the written disciplinary action prepared and provide to the employee during the conference. All written disciplinary actions become part of the employee's personnel file.

2. Final written disciplinary action – failure of an employee to respond to a written disciplinary action and/or the development of further job performance related issues may result in a final written disciplinary action. The Supervisor should work with the Department Head and a final written disciplinary action can only be issued with Department Head approval. A final written disciplinary action is the last step prior to dismissal. A final written disciplinary action shall proceed as follows:
   a. A final written disciplinary action is prepared to the employee by both the Department Head and Supervisor in which specific reasons are included in the document.
   b. A disciplinary conference will be conducted with the employee; at this conference, the specific reasons for the action, the necessary improvements and the time allowed to make improvements should be discussed.
   c. The final written disciplinary action will then be presented to the employee in writing. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal.

   During the period after a final written disciplinary action, management may choose to counsel with the employee concerning his/her employment status before a decision is made to dismiss. Such counseling shall involve discussion of the necessity for the employee's commitment to improve performance. As a part of this counseling, management may request the employee take up to a day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the Department. This time away shall not be charged to the employee's vacation or sick. It is not required that successive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.
   For employees subject to the provisions of the State Human Resources Act and who have received a written disciplinary action, the document shall be removed from the employee's personnel file after a period of 18 months. For General County employees, the documentation may remain in the personnel record indefinitely. Written disciplinary actions are not grievable.

3. Dismissal – an employee of the County may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before dismissal shall occur, the following steps must be taken:

    a. The Supervisor shall discuss with the Department Head the recommendations to dismiss for unsatisfactory job performance. Evidence must be shown that the employee is failing to perform any or all aspects of their job to an acceptable standard and show all previous attempts, including the Disciplinary Process, to work with the employee to improve job performance.
    b. When a decision is made, a pre-disciplinary conference shall be scheduled with the employee in writing. A pre-disciplinary conference shall be conducted with the Supervisor and the Department Head. The purpose of the pre-disciplinary conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision. Advanced written warning will be provided to the employee at least one working day prior to the conference. The management shall inform the employee that this will be a pre-disciplinary conference, and provide the time, date, and location of the conference; give specific reasons why dismissal is being considered and a summary of the information supporting that recommendation; indicate that action is being considered but not yet decided. The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or arguments to support his/her position. Every effort shall be set forth to ensure that the employee has full opportunity to present information on his/her behalf. No attorney for either side will be allowed in a pre-disciplinary conference. Management may have present a second representative and, if necessary, security personnel.
    c. Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee for unsatisfactory job performance, a letter of dismissal shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any appeal rights set for the employee. Management shall determine the effective date for dismissal for unsatisfactory job performance. If the decision is to dismiss, the decision shall not be communicated to the employee prior to the next business day, but before the end of the second business day.

B. Grossly Inefficient Job Performance – Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the

management of the work unit or agency; and the act or failure to act causes or results in:

a. Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,
b. The loss of or damage to County property or funds that result in a serious adverse impact on the County and/or work unit.

In the case of Grossly Inefficient Job Performance, the employee may be immediately dismissed following a pre-disciplinary conference if the actions warrant, or the employee may be suspended, demoted, or have the Disciplinary Process under Unsatisfactory Job Performance implemented. The basis for the degree of action taken in a Grossly Inefficient Job Performance incident is measured on the specific incident and its consequence.

C. Unacceptable Personal Conduct – an act that is:

a. Conduct for which no reasonable person should expect prior warning; or
b. Job-related conduct which constitutes a violation of State or Federal Law; or
c. Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County; or
d. The willful violation of known or written work rules; or
e. Conduct unbecoming to a County employee that is detrimental to County service; or
f. The abuse of a client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility; or
g. Falsification of a State or County application or in other employment documentation.
h. Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

Employees may be dismissed, demoted, suspended, or warned on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the employee.

Disciplinary demotions, suspensions, or dismissals for personal conduct require a written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal.

Prior to a dismissal of a General County employee with permanent status or an employee subject to the State Human Resources Act with career status on the basis of unacceptable personal conduct; there shall be a pre-disciplinary conference between the employee and the person recommending dismissal and a second Supervisory personnel.

D. Other Types of Disciplinary Action

1. Suspension – Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following provisions shall control its use:

   Disciplinary Suspension:

   a. An employee may be suspended without pay for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or without prior warning or disciplinary action for any form of unacceptable personal conduct or grossly inefficient job performance.
   b. A disciplinary suspension without pay for an employee, subject to the provisions of the State Human Resources Act and overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but may not be for more than two work weeks. The length of a disciplinary suspension without pay for any employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but may not be for more than two full work weeks. For General County employees, the period of a disciplinary suspension without pay for the employee will typically be no more than two calendar weeks. In extenuating circumstances, the County Manager may provide approval authority for the period to be extended.
   c. Before an employee is placed on disciplinary suspension without pay, a Supervisor and/or Department Head must:
      - Schedule and conduct a pre-disciplinary conference. The Supervisor and/or Department Head must give advance oral or written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
      - Give the employee a statement in writing telling the acts or failure to act that are the reason for the suspension and telling the employee of their appeal rights, if applicable.

   Investigation With Pay:

   a. Investigation with 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. Also, management may elect to use investigation with pay in order to avoid undue disruption of work or to protect the safety of persons or property. For employees subject to the provisions of the State Human

Resources Act, an investigatory suspension with pay shall not exceed 30 calendar days. However, a Department Head may, in the exercise of his/her discretions, extend the period of investigation with pay, with the concurrence of the County Manager. The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension. For General County employees, the period of investigation with pay may not exceed a two calendar weeks. In extenuating circumstances, the Department Head may request an extension from the County Manager.

b. Investigation with pay of an employee shall not be used for the purpose of delaying an administrative decision of an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
c. An employee who has been suspended for investigatory reasons may be reinstated with up to 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 the suspension. This period constitutes a disciplinary suspension without pay as noted above.
d. Placement on investigation with pay does not constitute a disciplinary action and is not subject to appeal.
e. Department Head shall notify the employee, in writing, no later than the second scheduled work day after the beginning of the placement, of the reasons of the investigatory placement.

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

   For demotions based on job performance, an employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.

   For demotion regarding personal conduct, an employee may be demoted for unacceptable conduct without any prior warning. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.

   An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee. The written notice should address how and to what extent the demotion will affect the employee's salary and pay grade, and it is recommended that, if appropriate, a revised job description outlining the employee's revised duties and responsibilities be attached.

   Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without a loss in pay. Or, the employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. In no event shall an employee's pay be lowered below

step one of his/her current pay grade, unless the employee is demoted to a lower classification. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-disciplinary conference. Advance oral or written notice of the conference is required.

Section 6: Separation Due to Unavailability

An employee may be separated on the basis of unavailability for work when the employee becomes or remains unavailable for work after all applicable leave has been exhausted and management does not grant a leave without pay, or does not extend a leave without pay period for reasons deemed sufficient by the Department and the County. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and not a disciplinary dismissal. It may be appealed based on the appeal rights granted to the employee in the position as defined in this manual. Probationary and trainee employees have no appeal rights.

Definitions:

1. Unavailability – the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and or the employee and the Department cannot reach agreement on a return to work arrangement that meets both the operation needs of the Department and the employee's health/medical needs.
2. Applicable Leave Credits – sick/annual/compensatory/shared/Family Medical Leave the employee exhausted prior to going on leave without pay.

Prior to separation under this policy, the Department Head and Supervisor shall meet with or at least notify the employee in writing of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are not possible, the Department Head must notify the employee of that fact and the proposed date of separation.

The Department Head must give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's grievance or appeal rights granted to them by their position.

Section 7. Reduction in Force for General County Employees

Periodically economic constraints or changing service priorities necessitate organizational restructuring, program modification or elimination and/or privatization of existing programs or services. Such changes may result in the need for the County to reduce the size of its workforce. The County is committed to accomplishing these

reductions-in-force without lay-offs if at all possible and, if not, to aid the transition of employees affected by a reduction-in-force into other employment outside the organization.

The County shall make every reasonable effort to retain the employee through transfer, promotion or demotion and shall further attempt, to the extent possible, to make necessary workforce reductions through normal attrition.

The authority and responsibility to initiate and implement a reduction-in-force, including layoff of employees, shall reside with the County Manager with the concurrence of the Hyde County Board of Commissioners. For those County employees subject to the provisions of the State Human Resources Act, the authority and responsibility to initiate and implement a reduction-in-force including layoff of those employees shall reside with that respective agency director, with the concurrence of the appropriate governing Board.

For those county employees who are appointed by the Sheriff, the Register of Deeds and the Hyde County Board of Elections, the authority and responsibility to initiate and implement a reduction-in-force policy including layoff of those employees shall reside with the Sheriff, Register of Deeds and the Board of Elections respectively, and this reduction-in-force policy shall not apply to their employees.

The overall decision to initiate and implement a reduction-in-force, including an employee layoff, is a decision of the County Manager and the Hyde County Board of Commissioners. However, for those County employees subject to the provisions of the State Human Resources Act, the decision to initiate and implement a reduction-in-force including an employee layoff is a decision of that respective agency director with the concurrence of the appropriate governing board.

Reductions involving Employee Layoffs: When it is determined that a reduction-in-force requires employee layoffs is necessary, retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service and relative efficiency. Such reductions shall be based on the following considerations:

Disciplinary actions and other documentation as presented in the employee personnel file.

Length of Service, provided, however, those employees with more years of service shall not be allowed to replace employees with less years of service solely on the basis of seniority. Seniority will be determined as service worked with Hyde County.

The final decision regarding which employees will be based on the recommendation of the Department Head, subject to the final approval of the County Manager.

Employees separated from employment shall be given a minimum of a two-week notice.

Employees subject to lay off shall have right of appeal in accordance with the County established grievance procedure.

Section 8. Reduction in Force Policy for Employees Subject to the State Human Resources Act (Health Department, Department of Social Services and Emergency Management Coordinator)

INTRODUCTION

This policy establishes guidelines for the administration of a reduction-in-force in which career status employees are separated due to curtailment of work, lack of funds, reorganization, or other significant changes in duties or organization.

AUTHORITY

The State Human Resources Commission authorizes the implementation of this policy and states the essential elements required of the agency in planning and executing a reduction in force. It is followed by agency guidelines for implementation. The policy states the following:

REDUCTION-IN-FORCE

"For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. No career status employee shall be separated while there are emergency, intermittent, temporary, probationary or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the career status employee is not willing to transfer to the position held by the non-career status employee, or the career status employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. A career status employee who was separated by reduction-in-force may be reinstated at any time in the future that suitable employment becomes available. The employer may choose to offer employment with a probationary appointment and experience standard for the class to which he is being appointed."

POLICY

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

A career status employee who is separated due to reduction-in-force shall have the right to appeal that action.

GUIDELINES

I. Determining the Scope of the Reduction and the Layoff Unit

Funding restrictions, reorganization, consolidation or abolishment of functions or organizational units, curtailment of work or activities, or other reasons may result in the need to abolish a position(s) or to so substantially redesign a position that the incumbent would not reasonably be considered a candidate for the new position because he/she lacks specific position qualifications requirements. When this happens, the agency director shall examine the organizational and program scope of operations of the agency and designate a "layoff unit."

The Department Head will then determine the necessary reallocation, reassignment (transfer), and/or abolishment of positions. In considering the above, the following factors are among those which may be considered in this determination:

Client service requirements
Legal mandates for programs
Impact on overall program objectives
Possible redistribution of available resources
Organization structure
Funding sources and budget guidelines
Composition of the work force
Economy and efficiency in service

Once the above factors have been considered, the Department Head shall prepare a reduction-in-force plan for board review which includes the layoff unit(s), the necessary reallocation, reassignment, and/or abolishment of positions and the names and positions of staff to be separated.

The layoff unit designated for the purpose of handling any necessary separation of employees may be the entire agency, any division, or any organizational, geographic or program sub-unit of the agency. It may also include a staff specialty within a division or program unit. The layoff unit need not coincide with the program, function, or activity that is the source of the need for a reduction-in-force. Layoff unit designations allow management to distribute staff resources according to service priorities of the agency. All planning efforts dealing with the abolishment of position(s) shall reflect a review process identifying the reasons for and the results of the specific organizational program and/or position changes.

II. Employee Coverage and Exemptions

The reduction-in-force policy covers all career status employees as defined below:

For purposes of this policy, the term career status employee means a person who has satisfactorily completed twelve months employment in a permanent position with the agency.

III. Establishing a Plan and Procedure for Employee Separation

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

A. The type of appointment shall be the first determinant. No career status employee in an affected classification shall be separated while there are emergency, intermittent, temporary, probationary or trainee employees working in the same classification in the agency.

B. Separation of non-permanent employees shall be made in the following order:

1. Emergency, intermittent, and temporary employees. For this purpose, the three categories will be treated as one group.

2. Probationary and trainee employees in their first 6 months of the trainee progression. For this purpose, the two categories will be treated as one group. Non-career status employees shall be given written notice of separation as soon as possible in advance of the scheduled separation.

C. Separation of career status employees from positions in the affected classifications in the layoff unit shall be made after systematic consideration of length of service and relative efficiency. For the purposes of this policy, service standing shall be determined by length of continuous service (paid employment) with Hyde County only. Service with other agencies will not be a part of this computation.

D. Performance evaluations and warnings received in accordance with the provisions of the Agency's disciplinary action policy will be included in consideration of relative efficiency.

E. Nothing in this policy shall be interpreted as assigning to an employee the right to displace or "bump" a career status employee from a position order to create a vacancy.

IV. Notice Requirements

After the necessary reduction-in-force decisions have been made through application of the above criteria, the Department Head shall give formal written notice to all career status employees scheduled for separation. The notice shall be given as soon as practical.

The Department Head shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction-in-force policy.

Section 9. Credentials

By statute and rules, some duties assigned to positions may be performed only by persons who are duly licensed, registered or certified as required by the relevant provisions. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by Hyde County and/or by the State Human Resources Commission as well as documented in the position description for the position.

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with an agency, disciplinary action shall be administered as follows:

If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure or certification information that was a requirement for the position, the employee must be dismissed.

In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken but the severity of the disciplinary action shall be at the discretion of the Department Head.

When credentials or work history falsification is discovered before employment with an agency, the applicant shall be disqualified from consideration for the position in question.

Section 10. Death

Payment for unpaid salary, unused vacation leave (not to exceed 240 hours), and travel must be made, upon establishment of a valid claim, to the deceased employee's estate. In the absence of an administrator, payment must be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment shall not be made for unused sick leave.

ARTICLE IX

GRIEVANCE PROCEDURES AND APPEAL POLICIES

Hyde County has established a formal process by which General County employees who have permanent status and employees subject to the State Human Resources Act who have obtained career status may grieve adverse actions. The process for which an employee will take depends on the situation and whether or not the employee is subject to the provisions of the State Human Resources Act.

Section 1. Definitions

(a) Adverse Action- A personnel action that involves one of the following situations:
Reduction in Force; Suspension without Pay; Disciplinary Demotion; Dismissal or when an employee perceives that he/she has been treated unfairly in the application of the Equal Employment Opportunity Policy or other discriminatory actions.

(b) Non - Adverse Actions – Issues relating to working conditions, policies, and/or practices not defined as adverse actions. Employees experiencing non-adverse concerns typically utilize the Informal Resolution of Complaints Policy.

Section 2. Informal Resolution of Complaints Policy

This section is for all County employees, regardless of State Human Resources Act coverage. This policy sets forth the procedures in which a County employee can resolve a non-adverse action issue. This policy recognizes that employees may have issues relating to work conditions, policies, or practices that require attention and resolution when possible. This procedure can be utilized when all efforts of the employee have failed to address the problem. These procedures do not assure a change in a situation but do provide formal steps to examine the issues brought forth, and if feasible and reasonable, make changes to resolve the problems.

The employee is first and foremost encouraged to resolve any such issues by working with coworkers and management. If unable to reach an adequate solution, the following problem-resolution procedure should occur.

(a) Request a meeting with the immediate Supervisor to present the issue of concern.
(b) The Supervisor shall schedule a meeting with the employee within 3 working days.
(c) At the meeting, the Supervisor shall review the issue with the employee and collect all relevant information and data concerning the situation.

(d) The Supervisor should review the issues from the meeting and reach a conclusion regarding the issue. The Supervisor should make recommendations regarding the issue in writing to the employee within seven (7) days of the meeting. The letter should contain a summary of the issues and recommended actions that can be taken to resolve the issue, or if no action is recommended, reasons why.
(e) If the employee is unsatisfied with the immediate Supervisor's response, he or she may request a meeting with the Department Head.
(e) At this meeting, the employee shall again present complaint, reasons for the complaint, and recommended solutions from the employee.
(f) The Department Head shall review all matters regarding the issue and provide a written response to the employee within seven (7) days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the complaint resolution procedures and the employee shall accept the Department Head's recommendations regarding the complaint.

If the issue involves other employees of the agency, the management shall include those employees in the review of the situation and should consider their input and feedback in the final decision process.

Section 3. Appeal of Adverse Actions for Permanent General County Employees

This section provides the appeals procedures for General County employees not subject to the State Human Resources Act in regard to Adverse Actions taken against an employee. Employees of the Sheriff's Office and Register of Deeds are NOT covered by this policy.

A County employee who has an adverse action taken against them may file for a formal appeal of the adverse action. The policy provides for specified timeframes in which the appeal must be requested. Failure of the employee to request the appeal procedure in a timely fashion will result in the loss of all appeal rights granted under this policy.

There are four steps, which a General County employee may take to have an appeal on an adverse action heard. They are as follows:

Step 1: The employee with an adverse action who seeks the first step in the appeal process shall request IN WRITING for an appeal. The request must be submitted to the Department Head and must be received within 15 days of the occurrence of the adverse action. The Department Head will then schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Department Head for consideration. The Department Head shall then render a decision in writing within 10 days to the employee.

Step 2: If the employee is not satisfied with the decision made, the employee may request a second appeal to the County Manager. The employee shall submit a formal appeal request in writing to the Hyde County Manager within 30 days of the date of the letter of the Department Head decision notification. The County Manager will then schedule a formal appeals hearing and inform the employee in writing of the date and time of this hearing. The employee, at this hearing, will be able to provide evidence on their behalf to the County Manager regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the County Manager. The County Manager shall then render a decision regarding the appeal in writing within 10 days to the employee.

Step 3: If the employee is not satisfied with the decision made by the County Manager, the employee may request an appeal to the Hyde County Board of Commissioners. The Board of Commissioners may appoint an advisory personnel board to consist of three members responsible for the investigation of personnel issues.

The advisory personnel board shall:

- Advise the Board of Commissioners on County personnel problems;

- Conduct public hearings upon the request of the Board of Commissioners of discharged, suspended or demoted County employees. The board shall have all powers necessary to complete investigation of the action taken, including the power to call and examine witnesses and papers. The board shall inform the employee and the Board of Commissioners in writing of its findings and recommendations.

Step 4: If the employee is not satisfied with the recommendation of the Personnel Advisory Committee or with the decision of the County Manager, the employee may request a third appeal to the Hyde County Board of Commissioners. The request shall be submitted in writing within 30 days of the date of the decision notification letter from the County Manager. The request shall be in writing and directed to the Clerk to the Board of Hyde County Commissioners. The Clerk will then schedule a formal appeals hearing with the County Commissioners and notify the employee in writing of the date and time. The employee, at this hearing, will be able to provide evidence on their behalf to the County Commissioners regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Commissioners for consideration. The Board of Commissioners will render a decision regarding the appeal in writing within 10 days to the employee. This decision is the final decision and the last step in the Appeal process for County employees not subject to the State Human Resources Act.

Key Points Regarding this Policy:

- All timeframes must be met. Failure to meet timeframes results in loss of appeal rights under this policy

- All requests for appeals must be in writing
- Employees in probationary or temporary employment situations do not have rights under this policy
- Each adverse action shall have a copy of the appeals process attached, as well as each written decision in every step of the appeal process
- Only employees in a permanent status have appeal rights under this policy

It is important to note that employees of the Sheriff's Office and Register of Deeds DO NOT HAVE APPEAL RIGHTS under this policy, since they may be discharged at will. Employees of these departments do have a right of protection under federal workplace laws.

Section 4. Appeal of Adverse Actions for Career Status Employees Subject to State Human Resources Act

Employees of the Department of Social Services, Health Department and the Emergency Management Coordinator are subject to the State Human Resources Act and have appeal rights granted under the Act. Employees subject to the State Human Resources Act have specific procedures in which they must follow to formally appeal an adverse action.

A career status employee who has been demoted, suspended without pay, reduced in force, discriminated against, dismissed shall have 15 calendar days from the date of his/her receipt of written notice of such action to file an appeal through the appeals policy granted to employees subject to the State Human Resources Act.

Section 5. Appeals Policy for Hyde County Health Department and Department of Social Services

PURPOSE

This policy provides appeal procedures for career-status employees of the Hyde County Health or Social Services Departments who have been separated due to a reduction-in-force, demoted, suspended, dismissed or received a reduction in pay for disciplinary reasons. This policy also applies to employees who believe they have been discriminated against because of age, sex, race, color, national origin, religion, genetic information, political affiliation or disability.

No action involving demotion, suspension, or dismissal is to be taken against any employee for disciplinary reasons until such action has been recommended to and approved by the Department Director or his/her designee, except when, in the judgment of the Supervisor, immediate suspension is necessary. In no case will an employee be dismissed without approval of the Director and without the furnishing of a statement, in writing, setting forth in numerical order the specific acts or omissions that are the reasons for the disciplinary action and the employee's appeal rights.

PROCEDURE

The procedure will consist of the following steps:

STEP 1 – APPEAL TO DIRECTOR

In cases of involuntary separation due to a reduction-in-force, demotion, suspension, dismissal or discrimination, or any alleged action as described in PURPOSE above, a career status employee has the right to appeal to the Department Director. The appeal must be made in the form of a written request and must be received by the Director within 15 calendar days after demotion, suspension, dismissal, and alleged discrimination. The request must include the action(s) being appealed, reasons the action(s) are perceived to be wrong, unfair, or offensive and a proposed resolution or remedy. Upon receipt of the appeal, the Director will make arrangements for the employee to present his/her case, if the employee so desires. The Director will issue a decision within five working days and a written copy of this decision will be furnished immediately to all parties concerned.

STEP 2 – APPEAL TO THE RESPECTIVE BOARD

If the decision reached by the Director is not acceptable to the employee, he/she may request that his/her case be presented to the respective board for its consideration. This request should be made in writing and submitted through the Director not later than 15 days after receipt of the Director's decision. The case will then be placed on the Board's agenda at its next regularly scheduled meeting. Facts surrounding the case will be presented to the Board and the employee may speak to them if he/she so desires. After reviewing the case, the Board will consult with whatever other sources it deems appropriate and render a recommendation to the Director within five working days after having heard the appeal. The Director will issue a final agency decision to the employee within ten (10) working days of receipt of the Board's advisory opinion.

STEP 3 – APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

If the employee is not satisfied with a final agency decision or is unable to obtain a final agency decision within a reasonable length of time, he/she may file a written appeal to the Office of Administrative Hearings not later than 30 days after receipt of the final agency decision.

Procedure for Appeal of this Decision

To appeal this Final Agency Decision, a request for a contested case hearing may be made in accordance with Chapter 150B, Article 3 and Chapter 126, Article 8 of the North Carolina General Statutes. A Petition for a contested case hearing must be filed with the Office of Administrative Hearings, in accordance with North Carolina General Statute 150B-23(a). In addition, a copy of the Petition and certificated of services must be mailed, delivered or faxed to the registered agent for the Local Government Entity named

on the Petition as Respondent. To file a Petition with the Office of Administrative Hearings, the following directions must be followed:

STEP 1 – REQUESTING THE FORM
Contact the Office of Administrative Hearings. Employee must request a Petition form be mailed or faxed or it may be obtained online at: www.ncoah.com. The certificate of service and instructions are included on the bottom of the Petition form.

STEP 2 – COMPLETING THE FORM
Once the Petition and instructions are received, the top and bottom portions of the form must be completed.

STEP 3 – SUBMITTING THE COPIES
The original plus one copy of the Petition and certificate of service must be received by the Office of Administrative Hearings within thirty (30) days after the Final Agency Decision is received. If a Petition is not filed within this timeframe, the right to appeal may be lost.

A copy of the Petition and certificate of service must also be mailed, delivered or faxed to the registered agency of the Local Government Entity named on the Petition. Failure to do so may result in the dismissal of the appeal.

STEP 4 – FILING FEE

The Office of Administrative Hearings charges a fee for each Petition filed. Employees must contact their office or visit their website at www.ncoah.com to obtain information regarding the amount of the filing fee and accepted forms of payment.

Decisions made by the North Carolina Office of Administrative Hearings will be final and binding, regardless of the issue.

ARTICLE X

PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

The Human Resources Director will maintain personnel records necessary for the proper administration of the personnel system. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes and legitimate personnel administration needs. Notwithstanding the provisions of G.S. 132-6 and the Public Records Law, House Bill 961, or any other general law or local act concerning access to public records, personnel files of employees, former employees or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the County with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the County.

Section 2. Information Open to the Public

The following information with respect to each County employee is a matter of public record:

- Name of the employee
- Age of employee
- Date of original employment or appointment to County service
- The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession
- Current position and title
- Current Salary
- The office to which the employee is currently assigned
- Date and amount of each increase or decrease in salary with the County
- Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the County
- The date and general description of the reasons for each promotion with the County
- The date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the County
- For dismissals due to disciplinary reasons, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Refusal to comply with public records request may be challenged by the requesting party. If the challenging party prevails, party can be awarded attorney fees. The test to determine if attorney fees are awarded is whether the County was substantially justified in denying access to the record. Attorney fees can be charged directly to any public employee or public official individually if the court finds the refusal to provide public records was knowingly and intentionally committed in violation of the law.

As required by GS 153A-98, any employee may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions.

Section 3. Confidential Information

All information contained in a County employee's personnel file, other than the information made public by Section 2 of this Article, is confidential and shall be open to inspection only in the following instances:

- The employee or his duly authorized agent may examine all portions of his personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

- A licensed physician designated in writing by the employee may examine the employee's medical record.

- A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.

- By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

- An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

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

- Each individual requesting access to confidential information will be required to submit satisfactory proof of identity

- The County Manager, with the concurrence of the Board of County Commissioners, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the Manager or Board shall determine in writing that the release is essential to maintaining public confidence in the administration of County services or to maintaining the level and quality of County services. This written determination shall be retained in the Office of the Manager or the County Clerk, is a record available for public inspection and shall become part of the employee's personnel file.

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

- Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

- Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

- Information that might identify an undercover law enforcement officer or a law enforcement informer.

- Notes, preliminary drafts and internal communications concerning any employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

The Board of County Commissioners may permit access, subject limitations they may impose, to selected personnel files by a professional representative of a training, research, or teaching purposes. This certification shall be retained by the County as long as each personnel file so examined is retained.

Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations

representing 2,000 or more active or retired State government, local government, or public school employees.

Section 4. Employee Objections to Material in File

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

Section 5. Penalty for Permitting Access or Destruction of a Confidential File by Unauthorized Person

A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars ($500.00).

Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars ($500.00).

No public official may destroy, sell, loan or otherwise dispose of any public record without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually maintained; or whoever alters, defaces, mutilates or destroys it will be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court.

ARTICLE XI

IMPLEMENTATION OF PERSONNEL POLICIES BY RESOLUTION

Section 1. Conflicting Policies and Resolution Repealed

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

Section 2. Separability

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

Section 3. Effective Date

This Resolution passed and adopted by the Board of County Commissioners, Hyde County, State of North Carolina, this 6th day of June, 2016.

Board of Commissioners, Chair

Clerk to the Board of Commissioners

Section 4. Amendments

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.