

**PERSONNEL POLICY**  
**For**  
**CAMDEN COUNTY EMPLOYEES**

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**EFFECTIVE DATES AND REVISION DATES OF POLICIES: July 6, 2021**

## **WELCOME CAMDEN COUNTY EMPLOYEES**

The Camden County Board of County Commissioners welcomes you as an employee of Camden County Government and wishes you every success during your career with Camden County. Each employee individually contributes to the growth and success of Camden County Government and it is the hope of the Board of Commissioners that you take pride in working for Camden County.

The Camden County Board of Commissioners adopted the following:

### **INTEGRITY, TRUST, AND RESPECT**

We believe in operating with integrity, trust and respect, both as individuals and as a County Government. We conduct ourselves within the spirit and letter of the laws, regulations, agreements, and policies that govern us. We are honest with one another and with our stakeholders, fully disclosing all appropriate information, and not just information which supports our point of view. We have the courage to do what is right.

### **INNOVATION AND CREATIVITY**

We believe in driving creativity in what we do, resulting in innovation and continuous improvement in our county government processes and operations. We encourage everyone to think differently and bringing a vigorous challenge to everything we do. We build and develop ideas through collaborative leadership and by fully utilizing the talents within our county. We seek to make our process more efficient while maintaining a high level of quality.

### **ACCOUNTABILITY**

Accepting responsibility for our job performances, actions, behavior and the resources entrusted to us. Being accountable means fulfilling your obligations and carrying out your assigned tasks on time. Living up to and carrying out the values we have adopted as a county. Being honest and truthful with our interaction with employees, management, and the public, this will foster trust and integrity.

### **EQUAL OPPORTUNITY**

Provide a work environment which is fair to all current and prospective employees through equal treatment in employee benefits, promotions, training, continuing education and daily responsibilities. Exhibit the behavior of fairness to all employees and citizens. Be open-minded and listen to others. Be reasonable and unbiased.

Employees play a critical role in Camden County's strategic priorities and all employees are encouraged to always strive to achieve excellence. As an employee, you should realize that the future opportunities which may come available are dependent to a great extent on the manner in which you apply and conduct yourself in the performance of your job duties. Thank you for being a part of the Camden County Local Government Team!

# *POLICY DISCLAIMER*

Camden County Board of Commissioners are making these Employee Personnel Policies available to provide important information about your employment with Camden County. Whether you are a new employee or have been a Camden County employee for many years, we believe you will find the information contained in the Employee Personnel Policies useful in understanding your responsibilities as a Camden County employee and in explaining the benefits available to you.

These Employee Personnel Policies provide the County with a framework to promote consistent human resource management practices and procedures throughout all County departments. We believe these policies promote a work environment that helps employees perform their duties to the best of their abilities. In this way, the Employee Personnel Policies positively contribute to the County's efforts to provide the most efficient and responsible service to the County's citizens.

Employees are responsible for becoming familiar and complying with the content of these policies. If you have questions about any of the policies and how they apply to you, you are encouraged to contact your supervisor or Human Resources for more information.

The Employee Personnel Policies do not constitute a guarantee or contract of employment and the County reserves the right to change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. The County is an "at-will" employer and retains the right to terminate employment at any time and for any reason not prohibited by law. Employees subject to the North Carolina Human Resources Act are exempt from the at-will classification upon completion of their prescribed career status period.

The Employee Personnel Policies cannot cover every possible situation that may arise. There may be amendments to the Employee Personnel Policies over time. As policies are amended, employees will be notified of the changes. The most current version of the Employee Personnel Policies will also be posted on the County's Internet at [www.camdencountync.gov](http://www.camdencountync.gov) on the Human Resources web page.

## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1. Purpose of the Policy**

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the County Manager, elected officials, Elections Board, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Personnel Act whenever there is a conflict. The policies are adopted pursuant to the State of North Carolina General Statutes 126 and 153A.

With the adoption of these Employee Personnel Policies, the Camden County Board of Commissioners are making a good faith effort to comply with all applicable state and federal laws and regulations. While adoption of these policies culminates a comprehensive review and update of the County's personnel policies, the Camden County Board of Commissioners recognizes that these policies are not a complete and exhaustive set of policies or procedures that govern employment with the County. The Camden County Board of Commissioners also recognize that periodic updates and revisions of these personnel policies will be necessary. Changes in personnel policies adopted by the Camden County Board of Commissioners will be communicated promptly to all employees.

### **Section 2. Coverage**

All employees in the County's service are subject to these policies except as specified in this section.

Board of Commissioners and Elected Officials

The County Manager and County Attorney are at-will employees appointed by the Board of Commissioners.

Employees subject to the North Carolina Human Resources Act are subject to the Camden County Employee Personnel Policies except for policies pertaining to recruitment, classification, qualification, and disciplinary action, unless these policies have been deemed "substantially equivalent."

Members of advisory boards and commissions and special boards, task forces, and committees.

Employees of the Sheriff and Register of Deeds are subject to these personnel policies with the exception that they serve at the will of those elected officials. The Sheriff and Register of Deeds have the right to hire and terminate employees in their respective departments under the authority of N.C.G.S. 153A-103.

Employees of the Cooperative Extension Service are exempt from these policies except for those positions budgeted by Camden County.

Employees of the Board of Elections are subject to this policy as defined in the Memorandum of Understanding between the Camden County Board of Elections and the County of Camden except the County Board of Elections shall appoint and remove election clerks, assistant clerks, and other election employees under the authority of N.C.G.S. 163-33 (10). The Executive Secretary-Director of the State Board of Elections appoints the Director of Elections. The Executive Secretary-Director can render a decision to terminate the County Director of Elections following procedures set out in N.C.G.S. 163-35 (b).

Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles and sections except those where they are specifically listed as exempt.

### **Section 3. Employee Classifications**

**Full-time Employee:** An employee who is filling a budgeted position with a salary grade on the Camden County payroll plan and who is regularly scheduled to work forty (40) hours per week as defined under the Fair Labor Standards Act or 2080 hours a year.

**Part-time Employee:** An employee, who is regularly scheduled less than forty (40) hours per week as defined under the Fair Labor Standards Act or less than 2080 hours a year and is filling a budgeted position that is assigned a salary grade within the budget. There are no County benefits associated with a part-time position unless the individual works twenty (20) or more hours per week except for Workers' Compensation, FICA and Unemployment Insurance. However, part-time employees can elect to participate in supplemental benefits at their own cost. Part-time employees are assigned a grade on the payroll plan. Part-time employees that work 30 hours or more a week are eligible for the county's contribution towards health insurance in accordance with the Affordable Care Act. Part-time employees budgeted to work 1,000 or more hours per calendar year will be eligible for retirement benefits with the Local Government Retirement System. Part-time employees who work at least 1250 hours in a year are provided Family Medical Leave Act (FMLA) leave if requested for a qualifying reason.

**Probationary Employee:** A person appointed to a budgeted position who has not yet completed the probationary period.

**Permanent Full-time Employee:** An employee subject to the North Carolina Human Resources Act, who has successfully completed the prescribed probationary period and has achieved career status. This employee is regularly scheduled to work forty (40) hours per week as defined under the Fair Labor Standards Act.

**Permanent Part-time Employee:** An employee subject to the North Carolina Human Resources Act, who has successfully completed the prescribed probationary period and is regularly, scheduled less than forty (40) hours per week as defined under the Fair Labor Standards Act.

**Regular Employee:** An employee who is not subject to the North Carolina Human Resources Act that has successfully completed the prescribed probationary period. All County positions are subject to budget review and approval each year by the County Board of Commissioners, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees is not to be construed as a contract or right to perpetual funding or employment, and does not affect the "at-will" status of the employment relationship.

The following classifications are not eligible for benefits and no service credit shall be given for time worked until transferred/hired into a regular position that has been budgeted within the budget with an associated salary grade unless otherwise noted.

**Temporary Employee:** A person appointed to serve in a position less than 1,000 hours per calendar year or an employee serving on an as needed basis to fill in for other employees. Temporary employees do not have individual budgeted positions. Temporary employees are budgeted as a group with a lump sum dollar amount available for the employees appointed. Temporary employees are not approved to be used as a full time or a part time employee. Temporary employees can substitute for other employees or work as needed. Temporary employees may not be assigned a salary grade on the payroll plan. Temporary employees are not considered permanent employees and may not be put on a work schedule. Temporary employees are not guaranteed hours. Temporary employees do not earn leave and are not eligible for holiday pay. Temporary employees that meet the 1,000-hour threshold in a calendar year cannot work during the remainder of that calendar year. If

the temporary employee is worked beyond the pay period, that they meet the 1,000-hour threshold the department head will be scheduled on the next Commissioners agenda to seek approval from the Board of Commissioners to establish a part-time position in their department.

**Seasonal Employee:** A temporary employee who works in a position which is seasonal in nature and does not work more than thirty-six (36) weeks in any calendar year and who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

**Volunteer:** A person who donates their time and energy without receiving financial or material gain. The individual would need to (1) work toward public service, religious, or humanitarian objectives; (2) not expect or receive compensation for services; and (3) not displace any status employees. Individuals cannot volunteer to do the same type of work that they perform as a part of their normal work duties.

**Independent Contractor.** A person contracted to provide a service that does not qualify as an employee. In accordance with the July 15, 2015 Department of Labor (DOL) guidance that defines "independent contractor," Camden County will consider the following six factors:

- 1) The extent to which the work performed is an integral part of the county's business.
- 2) The worker's opportunity for profit or loss depending on his managerial skill.
- 3) The extent of the relative investments of the county and the worker.
- 4) Whether the work performed requires special skills and initiative.
- 5) The permanency of the relationship.
- 6) The degree of control exercised or retained by the county.

An independent contractor does not have an individual budgeted position and would not be assigned a salary grade on the payroll plan. Independent Contractors do not earn leave and are not eligible for holiday pay or benefits. Independent Contractors also do not qualify for the Local Government Retirement System or county benefits.

#### **Section 4. Merit Principles**

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

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

Pursuant to North Carolina General Statutes, the Camden County Board of Commissioners are responsible for adopting personnel policies and managing them as necessary, adopting the classification and pay plan and amending the plan as necessary to maintain a plan that is fair and equitable, confirming appointments as required by law, and fulfilling other responsibilities that may be established by state statute. The Board of Commissioners shall establish office hours, workdays and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County per N.C.G.S. 153A-94. The County Manager is designated to serve as Personnel Officer by the Board of Commissioners.

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

Pursuant to North Carolina General Statute 153A-82, the County Manager is the chief administrator of County Government and responsible to the Board of County Commissioners for the administration of all departments of county government under the board's general control. The County Manager is authorized (with the approval of the Board of Commissioners) to appoint, discipline, suspend, and remove all County employees, except the County Attorney and those elected by the people or employees whose appointment is otherwise provided for by law or those specifically exempt such as employees subject to the North Carolina Human Resources Act. For employees' subject to the North Carolina Human Resources Act, the respective Agency Director is authorized to appoint, discipline, suspend, and remove those covered employees. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C.G.S. 153A-82 and these employee personnel policies. Pursuant to N.C.G.S. 153A-92(c), the County Manager is responsible for preparing position classification and pay plans for submission to the Board of Commissioners and for administering the pay plan and any position classification plan in accordance with the general policies and directives adopted by the Board.

North Carolina General Statute 153A-82 further states:

- a. The County Manager shall attend all meetings of the Board of Commissioners and recommend any measures that he considers expedient.
- b. The County Manager shall see that the orders, ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the county.
- c. The County Manager shall prepare and submit the annual budget and capital program to the Board of Commissioners.
- d. The County Manager shall annually submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the County as of the end of the fiscal year.
- e. The County Manager shall make any other reports that the Board of Commissions may require concerning the operations of county officers, departments, boards, commissions and agencies.
- f. The County Manager shall recommend rules and revisions of the personnel system to the County Board of Commissioners for consideration.
- g. The County Manager shall recommend necessary revisions to the pay plan;
- h. The County Manager shall appoint an employee to the role of Human Resources Director or serve in that role for the County.
- i. He shall perform any other duties that may be required or authorized by the Board of Commissioners. (1927, c.91, ss. 6, 7; 1973, c. 822, s. 1.)

## **Section 7. Responsibilities of Elected Officials**

Pursuant to North Carolina General Statute 153A-103, the Sheriff and the Register of Deeds have the exclusive authority to hire, discharge, and supervise the employees of their respective departments. These policies

apply to the employees of the Sheriff and Register of Deeds to the extent they do not conflict or usurp the authority granted under N.C.G.S. 153A-103.

### **Section 8. Responsibilities 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 the compensation plan, and perform such other duties in connection with the County personnel program as the County Manager may require. If the County Manager does not appoint a Human Resources Director, the County Manager or such employee who is under his or her direction and supervision shall perform all of the following duties and responsibilities. The duties and responsibilities of the Human Resources Director or the County Manager as Personnel Officer shall include but not be limited to the following:

The responsibilities of the Human Resources Director are to make recommendations to the County Manager on the following:

- Apply, interpret, and carry out these employee personnel policies, and the policies adopted hereunder, as directed by the County Manager;
- recommend rules and revisions to the personnel system to the County Manager for consideration;
- recommend changes as necessary to maintain an up to date and accurate position classification plan;
- recommend necessary revisions to the pay plan;
- recommend which employees shall be subject to the overtime provisions of the Fair Labor and Standards Act (FLSA);
- Establish and maintain records relating to all persons in County employment or service;
- establish and maintain a list of authorized positions in the County service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- develop and coordinate training and educational programs for County employees;
- investigate periodically the operation and effect of the personnel provisions of this policy; and
- perform such other duties as may be assigned by the County Manager not inconsistent with this Policy.

## **Section 9. Responsibilities of Department Heads**

Camden County Department Heads shall be responsible for bringing to the attention of the County Manager and/or Human Resources Director (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

The Department Head of each County department or Board shall be responsible to the County Manager for recommendations for the appointment, suspension, and removal of County officers or employees assigned to their departments. Department Heads are also expected to effectively and quickly manage personnel issues and harassment claims. The Department Head of each County department or Board shall be responsible to the County Manager that all employees are thoroughly familiar with the provisions of these employee personnel policies.

The Department of Social Services will process appointments, suspensions, and removal through the County Manager for budgetary review. Department Heads are responsible for establishing a list of "essential positions" and planning for alternate work arrangements for employees to continue County services in times of emergencies.

It is also expected that Department Heads act appropriately and professional at all times while working with employees and the citizens of Camden County.

## **Section 10. Application of Policies, Plan, Rules, and Regulations**

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, Elected Officials, Clerk to the Board of Commissioners, Tax Administrator, Finance Officer, appointed members of the County Board and Advisory Boards and Commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 11. Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the County, each department is 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 Manager or designee, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

The Sheriff and the Register of Deeds may utilize this Personnel Policy for use in his/her department at his/her discretion. If the Sheriff or Register of Deeds declines to utilize all or any part of this Personnel Policy for his/her department, then none of this Personnel Policy shall apply to that department and the County Commissioners shall not be bound by this Policy and shall not be required (except as required by the General Statutes) to provide any funding, assistance, staffing, or other resource to the Sheriff or Register of Deeds declining to abide by all or any part of this Personnel Policy.

## Section 12. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Adverse Action:** An involuntary demotion, reduction in pay, suspension, reduction in force, or separation from employment.

**Allocation:** The approval of a position by the appropriate authority based upon the needs of the County.

**Anniversary Date:** The employee's most recent date of employment with the county service in a permanent position.

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

**Authorized Absence:** An employee absence approved by the County after proper notification (reason for absence and estimated length of absence).

**Board of County Commissioners:** The local government unit charged with the legislative affairs of the County.

**Break in Service:** Any separation from employment with the County whether by resignation, retirement, lay-off, disability, unauthorized absence or termination when the employee is subsequently re-employed by the County. An authorized leave without pay will not count as a break in service.

**Classification:** A position or group of positions having similar duties and responsibilities and requiring similar qualifications that can be properly designated by one title indicative of the group of positions having similar ranking groups of classification based on internal comparison and market surveys of relative duties and responsibilities.

**Compensation Plan:** A plan to compensate employees either annually or hourly, formulated and recommended by the County Manager, and approved by the Board of Commissioners.

**Compensatory Overtime:** Time earned at a rate of time and one-half by a non-exempt employee for hours worked in excess of 40 hours in a workweek or, in case of law enforcement, in excess of 84 hours in a 14-day period.

**Compensatory Straight Time:** Time for time earned by an exempt employee for hours worked in excess of 40 hours in a workweek.

**Continuous Service:** The length of employment with the County, from the first date of employment continuing until the employee's separation from employment by retirement, resignation or termination of employment.

**Cost of Living Adjustment (COLA):** An adjustment in pay that takes into consideration the impact of inflation on purchasing power.

**Demotion:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is lower than that of the former position.

**Downgrade:** A change that results in a lower pay grade being assigned to the classification of a position based on changes in essential duties, responsibilities, reorganization, or market comparable positions.

**Exempt Employee:** An employee specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (FLSA) as defined and limited by administrative rules and regulations; these employees generally have as their primary duty management, administration, or work of a professional nature.

**FLSA:** Fair Labor Standards Act is a federal statute defining minimum wage and overtime compensation, and classifying positions as exempt or non-exempt.

**FMLA:** The Federal Family Medical Leave Act of 1993, with amendments.

**Full-time employee:** An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, is required by the County.

**Full-time Equivalent (FTE):** The number of hours worked per annum in relationship to a full-time position. The County uses 2,080 hours to calculate FTE.

**Garnishment:** A legal procedure in which a person's earnings are required by court order to be withheld by an employer for the payment of a debt such as child support. Title III of the Consumer Credit Protection Act (CCPA) prohibits an employer from discharging an employee whose earnings have been subject to garnishment for any one debt, regardless of the number of levies made or proceedings brought to collect it.

**Hostile Work Environment:** A work environment that both a reasonable person would find hostile or abusive and one that the particular person who is object of the harassment perceives to be hostile or abusive.

**Immediate Family:** Unless otherwise specified, immediate family means spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named.

**Merit Increase:** An increase in pay as determined by the applicable compensation plan, based upon performance criteria and market salary comparisons.

**Non-exempt Employee:** An employee who is entitled to a rate of no less than minimum wage. An individual who is not exempt from the overtime provisions of the FLSA (Fair Labor Standards Act) and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek.

**North Carolina Human Resources Act:** North Carolina General Statute 126, which governs employees covered by North Carolina Human Resources Act policies. In the event that Camden County's Employee Personnel Policies conflict with North Carolina Human Resources Act policies for employees' subject to the North Carolina Human Resources Act, North Carolina Human Resources Act policies established under the North Carolina Human Resources Act will prevail.

**Overtime:** Work performed at the express authorization of the County in excess of forty (40) hours in a seven (7) day period as defined by the Fair Labor Standards Act.

**Part-time employee:** An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months is required by the County.

**Pay Grade:** A level within the compensation plan into which job classes with similar job evaluation factors are placed for compensation purposes. Pay grades have a minimum rate, and a maximum rate.

**Permanent position:** A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All County positions are subject to budget review and approval each year by the Board of Commissioners and all employees' work and conduct must meet County standards. Therefore, reference to "permanent " positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Probationary employee:** An employee appointed to a full or part-time regular position who has not yet successfully completed the designated probationary period of six, nine or twelve months. Persons in trainee or work against appointments are a probationary employee for the full duration of their appointment in that status.

**Promotion:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is higher than that of the former position.

**Quid Pro Quo:** Harassment that consists of unwelcome sexual advances, request for sexual favors, or other verbal, visual, written or physical conduct of a sexual nature when the employee is told or threatened be it expressed or implied that submission to the conduct will influence any personnel decision.

**Reclassification:** A change in a position from one class to another based on changes in job content such as essential duties, difficulty, required knowledge, skills, or abilities, responsibility of the work performed, reorganization, or market considerations.

**Reduction in Force (RIF):** The abolishment of or reduction of a position or some portion of a position based on needs of the organization, workload, and availability of funding.

**Regular employee:** An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

**Reorganization:** Due to changes in the organizational needs of the department, the duties and responsibilities or technological requirements of a position may be reclassified, and a position may be abolished in full or in part, or created according to County policy.

**Resignation:** Voluntary separation of employment from the County initiated by the employee.

**Reasonable Suspicion:** The belief that an employee or applicant is probably using or has recently used drugs or alcohol in violation of the County's policy. This belief shall be based upon specific, objective facts and reasonable inferences.

**Retaliation:** Adverse treatment which occurs because of opposition to unlawful workplace harassment. The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment. The county will follow the Equal Employment Opportunity Commission Enforcement Guidance on Retaliation and Related Issues when handling retaliation issues.

**Salary Range:** A minimum rate of pay to a maximum rate of pay assigned to a pay grade within the Compensation Plan.

**Temporary employee.** An employee appointed to a position for which either the average work week required by the County over the course of a year is less than 20 hours, or continuous employment required by the County is less than 12 months.

**Termination:** An involuntary separation of an individual's employment initiated by the County.

**Trainee:** An employee designated as such, appointed to a position in any class for which the County Manager, Department Head, Director of Human Resources and Office of State Human Resources (OSHR) has authorized "trainee" appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training, education and experience for the regular class, and must be appointed to the regular class when he/she gains the acceptable training, education and experience.

**Transfer:** Movement of an employee from one job class to another within the County where the pay grade remains the same as the former position.

**Unauthorized Absence:** Any absence during a scheduled work period without authorization from the employee's supervisor or when an employee does not follow established policies and procedures for an absence.

**Unlawful Workplace Harassment:** Unwelcome and unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or disability that creates a hostile work environment or upon a quid pro quo.

**Work-against Appointment:** When qualified applicants are unavailable, and there is no training provision for the classification of the vacancy, the County may appoint an employee who does not meet the minimum requirements of the position, to a pay grade that is below the pay grade of the regular classification in a work-against appointment. A work-against appointment allows the employee to gain the qualifications needed for the regular job class through on-the-job experience. To advance to the pay grade of the regular job class, the appointee must meet the minimum education and experience requirements of the job class.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Adoption of Classification Plan**

The County will establish and maintain a Position Classification Plan. The County Board of Commissioners are responsible for adopting a classification plan that assigns each County position to a job class/grade based on the results of a job evaluation system and upon the recommendation of the County Manager. The classification plan shall include all classes/grades of positions in the County. For each position there shall be a written job description which will include the following:

A position summary which explains the general definition of work;

- a. The qualification requirements including essential functions and responsibilities;
- b. Position requirements such as the knowledge, skills, and abilities necessary for performance of the work;
- c. A statement of the education, experience and training required, and desired (if different) for recruitment;
- d. Specialized requirements such as licensures, certifications, or registrations; and
- e. Physical requirements and working conditions in compliance with the Americans with Disabilities Act.

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

The County Manager, in consultation with the appropriate Department Manager, shall approve the allocation of each position covered by the position classification plan to its appropriate grade/class. The Department of Social Services will process classifications through the County Manager within the parameters established by the Office of State Human Resources (OSHR).

## **Section 3. Maintenance of Classification Plan**

The Human Resources Director, as directed by the County Manager, is responsible for maintaining the classification plan to ensure that it accurately reflects the duties performed by employees in the job classes/grades to which their positions are assigned. Department Heads are responsible for providing the Human Resources Director with documentation of substantive changes in the nature of duties, responsibilities, working conditions or other factors that could affect the classification of any existing position under their supervision.

When the Human Resources Director determines through job audit and/or job evaluation that substantial change has occurred in the nature or level of duties and responsibilities of an existing position, a recommendation is prepared for the County Manager to revise or reassign the existing position to the appropriate job class/grade within the existing classification plan, to amend the classification plan by establishing a new job class/grade to which the position may be assigned, or to take other action as needed.

Human Resources will maintain all official job descriptions for all County positions and class/grade assignment for all positions with the exception of positions subject to the North Carolina Human Resources Act. Positions subject to the North Carolina Human Resources Act are classified by the Office of State Human Resources (OSHR) or a delegated authority as authorized by the Office of State Human Resources (OSHR) and the official job descriptions and associated class/grade are maintained by the respective departments. Copies of job descriptions classified by the Office of State Human Resources (OSHR) should be forwarded to Human Resources. Human Resources will maintain a record of all budgeted and authorized positions.

## **Section 4. Classification of New Positions**

The Human Resources Director, as directed by the County Manager, is responsible for reviewing and making recommendations to assign a new position to an existing job class/grade or to a newly created job class/grade.

The recommendation must consider documentation furnished by the Department Head outlining the duties, responsibilities, typical tasks, and qualifications proposed for the position and the results of a job audit and job evaluation to be conducted by the Human Resources Director or a designee. In cases of employees under the North Carolina Human Resources Act, the County will coordinate with the Office of the State Human Resources representative to ensure proper classification.

## **Section 5. Amendments of Position Classification Plan**

Generally, the request for new positions and reclassifications will be reviewed annually during the budget cycle.

The Board of Commissioners shall approve amendments to the position classification plan by adding, changing, or deleting positions or classes of positions and salary grades based on internal analysis and market comparisons within the authorized budget allocation, based upon the County Manager's recommendations.

## **Section 6. Administration**

The Camden County Board of Commissioners authorizes the County Manager to implement the Position Classification Plan upon approval by the Board of Commissioners.

### **ARTICLE III. PERFORMANCE EVALUATION PROGRAM**

#### **Section 1. Objective**

The primary objective of Camden County's performance appraisal program is to encourage a high level of employee performance and recognize County employees who exceed pre-established standards utilizing an objective evaluation system.

The performance evaluation system is designed to ensure that quality services are provided to the public and the County's customers in a cost-effective manner to motivate and develop employees to their full potential; to clarify roles and mutual expectations of supervisors and employees, to mutually establish goals for employees to ensure open and on-going communication between employees at all levels and to establish compensation levels based on individual employee performance. As such, the system will reward performance for those who exceed those standards or perform at an exceptional level in serving the citizens of Camden County. All classified positions of the County are governed by this program except elected officials, executive employees appointed by the County Board of Commissioners, employees of independent boards and commissions, competitive service employees, temporary and seasonal part-time employees.

#### **Section 2. Authority**

This procedure shall be approved by the County Commissioners of Camden County.

#### **Section 3. Direction**

The County Manager, under the direction of the Board of Commissioners of Camden County, is responsible for implementation of a performance evaluation system.

#### **Section 4. Definitions**

**ANNUAL REVIEW PERIOD:** The annual period of performance of an employee covered by these procedures will occur annually at the end of the calendar year.

**PERFORMANCE INCREASE:** An increase in salary based on an employee exceeding performance standards. Salary increases will be based on the approved Step and Grade pay plan established by the County.

**PERFORMANCE FACTOR:** A key job responsibility - linked to the County department's goals and or mission statement.

**PERFORMANCE GOAL:** A projected result - measured in terms of quality, quantity, and timeliness.

**PROBATIONARY EMPLOYEE:** An employee assigned to a permanent position (full-time) who has not completed an approved probationary period of employment with the County in that particular position. This period is six (6) months for all employees unless modified by the County Manager.

**REGULAR EMPLOYEE:** Full-time employee who has successfully completed the probationary period in a permanent position.

**SUPERVISOR:** An employee having direct authority over the employee being evaluated, herein referred to as "Supervisor." The supervisor is designated as a Department Director, Departmental Supervisor, Executive/Administrative Official, or the County Manager.

### **Section 5. Policy**

Employees' performance is formally evaluated annually for their current position. All employees in Camden County will be evaluated in conjunction with a schedule which coincides with preparation of the County's annual budget.

Employees who receive an overall rating of Below Average or Poor will be provided an opportunity to improve their performance, but shall be placed on probationary status in accordance with County policy and shall not progress forward on the Step and Grade scale until Average standards are met.

All employees covered by this policy are evaluated by comparing performance with established performance factors and defined performance levels in the current evaluation.

### **Section 6. Performance Factors**

Employees in exempt and non-exempt positions are evaluated on the basis of standardized performance factors designed to measure significant dimensions of their positions as outlined in the County's adopted Performance and Management Evaluation System.

All performance factors are defined on the Performance Appraisal Form developed for each approved County job classification.

### **Section 7. Establishing Performance Goals**

It is recommended that goals be established for employees in exempt and non-exempt positions. Employees develop their performance goals and discuss them with their supervisor to ensure conformity with department objectives and the County's goals for that particular office or department. For probationary employees, the employee's supervisor develops the employee's initial goals.

### **Section 8. Rating Employee's Performance**

An employee's performance is rated on the degree to which the employee demonstrates behaviors described within each pre-established performance factor and, where applicable, on the basis of attainment of performance goals. For each performance factor, the rater selects the level, which most closely describes the employee's performance. The five (5) levels of performance used in ratings are:

**Excellent** : Employee far exceeds the established performance standard. In addition, the employee regularly makes positive contributions that demonstrates creativity and initiative. Employee has complete understanding of all the requirements of the position and how they relate to the goals of the organization, the mission of the department and the needs of other departments.

**Above Average:** Employee consistently performs above the established performance standard. and makes contributions that are above the established standards. Employee takes a leadership role in developing new ideas

on how to improve the level of service and possesses the job knowledge, skills and abilities required to successfully complete all assigned tasks efficiently and effectively.

**Average:** Employee meets and maintains performance standards in accordance with the job duties at or near full proficiency. Employee's work is completed accurately and on time and the employee works well with associates and the public.

**Below Average:** Employee is not meeting some of the performance standards. Employee may need further training and counseling may be necessary. Employee may be lacking some of the knowledge, skills, and abilities required to perform some tasks to established standards.

**Poor:** Overall work is not meeting the performance standards established for this position. Corrective measures are necessary and employee will need additional training. Employee lacks the required knowledge, skills and abilities and is unable to perform the tasks required of the position.

## **Section 9. Frequency of Ratings**

An employee's performance is formally evaluated at the end of the Annual Review Period with the following exceptions.

**Probationary Ratings:** A probationary employee's performance is evaluated prior to the completion of the approved probationary period. Probationary ratings are to be submitted to the County Manager, or his designee, no later than fifteen (15) calendar days prior to the close of the employee's probationary period. Should an employee's performance improve or deteriorate significantly any time prior to the close of a probationary period, the preliminary performance evaluation may be modified.

**Extended Probationary Ratings:** Should a probationary employee's overall performance be less than Meets Standards and the employee is not terminated, the reviewer may request, to the County Manager, or his designee, in writing, that the employee's probationary period be extended not to exceed ninety (90) additional days. The employee's performance should be evaluated and submitted to the County Manager, or his designee, prior to the completion of this extended probationary period.

**Diminished Performance:** If at any time during the review period an employee's performance diminishes and falls to Poor, the employee should be counseled to determine the cause and a specific corrective action plan should be developed. If improvement is not achieved within thirty (30) days, the employee's performance should be evaluated and the employee placed on probation, not to exceed ninety (90) days. If the employee's performance has not reached at least a Below Average overall rating, the employee will be terminated. Documentation to support this action must be attached by the evaluator. The employee may be terminated at any time during the probationary period.

Department Heads/Supervisors are responsible for ensuring all documents are forwarded to the County Manager, or his designee, according to the time requirements outlined in this policy.

## **Section 10. Administration of Performance Appraisal**

### **Annual Fund Allocation Process**

The County Manager, working with the County Commissioners, shall review the Step and Grade pay plan annually.

## **Section 11. Employee Evaluation Administrative Process**

The Human Resources Director will distribute annual performance appraisal forms to the Departments prior to the end of the calendar year to be completed and returned to Human Resources within 30 days.

### **Establishing Standards, Goals and Objectives**

Employees will review the standardized performance factors established for their positions. Department Heads and Supervisors meet with employees to review the performance appraisal system, discuss job requirements and standards that are applicable to the position, and, if feasible, jointly establish goals and objectives for the coming year.

Employees and reviewers sign the performance appraisal form to signify this process was accomplished.

### **Monitoring Performance**

To measure progress toward the accomplishment of established performance goals and the performance of job requirements, Department Heads and Supervisors should maintain accurate and specific documentation of employee performance.

Department Heads and Supervisors should provide feedback to their employees on a regular basis regarding performance.

Before the end of the Annual Review Period, the Human Resource Office will send reminders or will distribute evaluation forms and any other information and documents to facilitate the performance evaluation process.

## **ARTICLE IV. THE COMPENSATION PLAN**

### **Section 1. Definition**

The compensation plan includes the Salary Schedule and the Assignment of Classes to Salary Grades and Steps adopted by the Board of County Commissioners. Salary increases within the steps shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

The compensation plan is designed to establish and maintain a salary structure which attracts, motivates, recruits, and retains qualified employees and is competitive with the local labor market and recognizes and rewards individual employee performance through use of:

- a. A formal job evaluation system;
- b. A competitive compensation structure with salary increases based on cost of living and performance factors; and
- c. A formal employee performance evaluation system.

The compensation plan will consist of salary grades with an established minimum and maximum rate. Position classifications/job titles will be placed in a salary grade based on the formal job evaluation ranking of the position classification/job title-description. Performance evaluation may be a component of the County's compensation program as well as the basis for employee development. Employees may receive step increases within their assigned salary grade based on the results of the individual employee performance evaluation score. The

compensation plan will be reviewed and evaluated on an annual basis. Overall compensation (pay and benefits) may be limited by budgetary constraints and be structured accordingly.

## **Section 2. Administration and Maintenance**

The County Manager shall be responsible for the administration and maintenance of the pay plan. All new hired employees covered by the pay plan shall start at step 1 or 2 established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, from time to time the County Manager, assisted by the Human Resources Director, shall make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the County Manager shall recommend such changes in salary ranges as appear to be warranted to the Board of Commissioners. The Board shall adopt the Salary Schedule and assignment of Job Classes to Salary Grades, including any minor adjustments made by the County Manager during the previous budget year, annually as part of the budget process.

The County Manager may approve in-range adjustments to employee salaries when necessary to accommodate inequities, special performance and achievements, or other issues.

## **Section 3. Starting Salaries**

All persons employed in the approved position classification plan shall start in Step 1 or 2 for the classification in which they are employed; however, on the recommendation of the department head, with the approval of the County Manager, employee salaries may be approved above the Hiring Rate. Reasons for hiring above the Hiring Rate include exceptional education and experience qualifications of the applicant and a shortage of qualified applicants. Department Heads shall consider internal equity of other employees in the department when making a recommendation for employment above the Hiring Rate. Based on the decision of the Board of Commissioners, elected officials, i.e. the Sheriff and Register of Deeds, shall be paid upon initial election or appointment, at the entry rate of pay for the position. This will start at Step 1 of the assigned position with scheduled progression as long as the individual is re-elected to that position.

## **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment or County employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the County Manager to a "trainee" status or under the State Personnel Act job classes as a "work against." In such cases, a plan for training and meeting the minimum qualification for the job classification, including a time schedule, must be prepared by the supervisor. An employee shall remain at the trainee or "work against" salary level until the Department Head certifies that the employee is qualified to assume full responsibilities of the position and the County Manager approves the certifications.

The Department Head shall review the progress of each employee in a trainee or "work against" status every six months or more frequently as necessary to determine when the employee is qualified to assume full responsibilities of the position. "Trainee" salaries may be one to three grades below the Hiring rate established for the position for

which the person is being trained. Assignment three grades below is appropriate when the traineeship is expected to last two years. Assignment two grades below is appropriate for more than six months but less than two years. (Note: Positions subject to the State Personnel Act may be assigned no more than two grades below as for trainee purposes.) The actual assignment should be reviewed and approved by the Human Resources Director. A new employee designated as "trainee" or in a "work against" appointment shall be in a probationary status until requirements for the full job class are met.

If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the Hiring rate established for the job class.

#### **Section 5. Probationary Pay Increases**

Upon successful completion of the probationary period, employees who meet standards on their annual performance evaluation, and are not currently on a performance improvement plan are eligible to move to the next step in their current grade on their anniversary date of hire, promotion, transfer or demotion. This applies only to those who have been hired in Step 1-3 of that Grade level.

#### **Section 6. Promotions**

When an employee is promoted to a position with a higher salary grade, the employee's salary shall be advanced to the minimum step (step 2) of the new grade, or the next step in the grade closest to the current salary if employee is making more than step 2.

#### **Section 7. Performance (Merit) Pay Bonus**

If the County implements a performance pay system, employees who are at the maximum of the salary range for their position classification may be eligible for a performance (merit) bonus at their regular performance evaluation time. Performance (merit) bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance (merit) bonuses do not become part of base pay and shall be awarded in a lump sum payment. Employees above the maximum of the range, Step 10, are not eligible for this increase.

#### **Section 8. Salary Adjustments**

The County Manager shall be responsible for approving and implementing all salary adjustments. Employees shall be advised of all salary adjustments by the County Manager, their Department Head or their Supervisor.

Salary adjustments approved after the first day of the pay period shall become effective at the beginning of the next pay period.

#### **Section 9. Salary Effect of Promotions, Merit-Based Increase, Demotions, Transfers, and Reclassifications**

**Promotions:** When an employee is promoted to a position with a higher salary grade, the employee's salary shall be advanced to the hiring rate (step 2) of the new grade, or the next step in the promotional grade closest to current salary if employee is making more than step 2; however, the new salary may not exceed the maximum rate of the

new salary range. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility. The amount of the salary adjustment should be based on:

- a. the employee's related education, training, and experience;
- b. the nature and magnitude of the change in jobs;
- c. budget availability;
- d. consistency with similar situations in the past;
- e. internal equity within the work unit; and
- f. other relevant issues.

Cost of living (or market adjustment), probationary increases for a previous job, and other in-range increases cannot take the place of a promotional increase.

**Merit-Based Increase:** Merit based increases are awarded by the County Manager and based on an individual employee's performance evaluation rating. Merit-based increases are effective on the date determined by the County Manager.

**Demotions:** When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate, as determined by the County Manager. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration along with internal equity consideration of the pay rate of other employees in the same classification. If the demotion is the result of disciplinary action, the salary shall be decreased 5%, but may be no greater than the maximum of the new range.

**Transfers:** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary grade shall not be changed by the reassignment.

**Reclassifications:** An employee whose position is reclassified to a class having a higher salary range shall receive an increase to the Minimum Rate (or step 2) of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

## **Section 10. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the Minimum rate established for their respective classes shall have their salaries raised to the new Minimum for their classes. The only exception will be those employees in probationary status and currently being paid at the Hiring Rate (step1),

a trainee rate, or in a "work against" status. These employees will remain in their same relative pay status in the new salary grade assigned.

- 3) All employees being paid at a rate above the Minimum and below the Maximum are considered as being paid at a competitive rate for the job class and may receive any approved salary plan implementation increases as authorized by the Board of Commissioners.
- 4) All employees being paid at a rate above the Maximum rate established for their respective classes shall be maintained at that salary level with no increase in base pay until such time as the employees' salary range is increased above the employees' current salary.

### **Eligibility**

All budgeted full-time and part-time employees that work 20 hours or more per week are eligible once they complete their probationary periods as a new employee. In addition, the employee must be in good standing, no current corrective action or performance improvement plan or no current or pending disciplinary action. An employee demoted as disciplinary action is not eligible. The employee must have a current performance evaluation on file with a rating of at least "Average" for the position.

### **Section 11. Salary Progression**

**Incremental Career Advancement Steps** – Incremental steps begin on anniversary of 1 year of employment with the county and after the probationary period is completed. Increases at 2.5% are based on one-year increments/anniversaries; provided all other eligibility requirements are met, until reaching step 4 of any grade. After reaching step 4, the waiting period until the next step will be either 24 or 36 months.

Progression beyond the maximum of the salary range is not allowed.

The feasibility of this policy is related to budgetary allowances and subject to the annual availability of funds. The Board of Commissioners may rescind this policy at any time during the annual budget process.

#### **Progression of steps:**

- Step 2 to Step 3 = 12 months
- Step 3 to Step 4 = 12 months
- Step 4 to Step 5 = 24 months
- Step 5 to Step 6 = 24 months
- Step 6 to Step 7 = 24 months
- Step 7 to Step 8 = 36 months
- Step 8 to Step 9 = 36 months
- Step 9 to Step 10 = 36 months

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

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the County Manager.

### **Section 13. Rate/Step of Pay upon Hire**

Employees shall be hired at the minimum rate/step of the salary grade assigned to their position classification/job title. Appointments above the minimum rate of the salary grade may be made subject to the approval of the County Manager, when deemed necessary to serve the best interests of the County. This will be based on such factors as qualifications or prior experience of the applicant and a shortage of qualified applicants available at the minimum rate.

### **Section 14. Overtime Pay Provisions**

Employees of the County can be requested and may be required to work overtime hours as necessary by the needs of the County and determined by the supervisor. Overtime work requires the prior approval of the employee's department head or supervisor.

All overtime and compensatory time must be authorized in advance by the employee's Department Head or a supervisor who has been designated by the Department Head to make such decisions. The County has the right to adjust work schedules to stay within the budget constraints. Accumulated compensatory time shall not be converted to any other form of paid leave or donated shared leave.

To the extent that local government jurisdictions are so required, the County will comply with the Fair Labor Standards Act (FLSA). The County Manager shall determine which jobs are "Non-Exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Nonexempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period or alternative FLSA approved full time schedule). Nonexempt employees separating from employment shall be paid for their compensatory time balances.

Employees in law enforcement job classes may earn overtime based on a 28-day time period. Hours worked beyond the FLSA established limit will be compensated in time or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, **only hours actually worked shall be considered**; in no event will vacation, sick leave, administrative leave, unpaid meal breaks or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for nonexempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time off or paid in accordance with the FLSA.

Compensatory time off may be granted whenever feasible and determined by the County Manager, based on recommendations from the Department Head. Accumulation of more than forty hours of compensatory time is discouraged and must have the approval of the County Manager. **Exempt employees separating from employment shall not be paid for their compensatory time balances.**

In emergency situations, where employees are required to work long and continuous hours, the County Manager may approve compensation at time and one half (1 ½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the County Manager. Exempt employees are eligible to receive compensatory time at the rate of one hour for one hour when working in excess of forty (40) hours in a workweek. **Compensatory time off is not an entitlement or a right the exempt employee may demand, but a privilege granted by the County in recognition for service rendered.** Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

#### **Section 15. On-Call and Call-Back Compensation**

The County provides compensation for employees who are required to be available for after hour on-call coverage. Compensation for time spent while on-call and for time spent when actually called back to work shall be determined according to the following:

- 1) On-call (standby) time consists of scheduled non-work hours in excess of the standard work period when an employee is required to be available to be called back to work on a regularly scheduled or emergency basis. Call-back time consists of actual time spent when called back to work to handle a scheduled or emergency situation. An employee is required by FLSA to be paid for on-call time if he or she must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. The County chooses to compensate employees at a rate less than regular pay for the inconvenience of on-call pay when a pager is used and time is not substantially restricted.
- 2) On-call standby schedules must be approved by the Department Head, but are limited to funds available budgeted for this purpose. The Human Resources Office shall maintain a list of employees who are approved for on-call compensation arrangements.
- 3) 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 when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).
- 4) Non-exempt employees required to be on "stand-by" duty will be paid for five hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week.

#### **Section 16. Payroll Schedule and Deductions**

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the County Manager as to capability of payroll equipment and appropriateness of the deduction. Deductions which are required by law shall include:

- a. Federal Income Tax
- b. State Income Tax
- c. Social Security/Medicare (FICA)
- d. North Carolina Local Government Employees Retirement System (where applicable)

e. Garnishments

**Section 17. Hourly Rate of Pay for full-time, part-time and Temporary Employees and for Work Weeks with Varying Hours**

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as employees working 37.5 hours per week and law enforcement officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary established for the position. The County Manager shall review the compensation of part-time and temporary employees without regular status annually in the budget process, and make recommendations to be considered for approval by the Board of Commissioners.

**Section 18. Travel Expenses. – See Finance Policy on Travel**

**Section 19. Salary Increases Due to Completion of Required Certifications**

Employees may be required to obtain or maintain licenses, certifications or registrations as required by law, rule regulation, occupation boards or the duties of their position. Upon successful completion of these certifications, all utility workers and building inspectors will be awarded a one-time, lump sum 2% payment (**limited to one payment per fiscal year**). Employees who fail to obtain or maintain any license, certification or registration required by law, rules, or provision as required by the duties of the position may result in disciplinary action up to and including termination.

**Section 20. Cost of Living Increases (COLA)**

Cost of Living increases are reviewed / approved / modified by the Board of Commissioners during the annual budget cycle.

**ARTICLE V. RECRUITMENT AND EMPLOYMENT**

**Section 1. Equal Employment Opportunity Policy**

Camden County is an equal opportunity employer. It is the policy of the county to prohibit discrimination and harassment of any type and to afford equal employment opportunities to employees and applicants, without regard to race, age, sex, religion, color, national origin, sexual orientation, biological sex (as shown on a birth certificate), gender identity, citizenship, marital status, veteran's status, disability, handicap, genetic information or any other personal characteristic protected by law. Camden County will conform to the spirit as well as the letter of all applicable laws and regulations. Camden County will take action to employ, advance in employment and treat qualified veterans and disabled veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between Camden County and its employees, including but not limited to recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits and application of policies. The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with Camden County.

Department heads and supervisors are responsible for implementing equal employment practices within each department. The Human Resources Department is responsible for the county's overall compliance, and shall maintain personnel records in compliance with applicable laws and regulations.

County practices that support this policy include the County displaying posters regarding equal employment opportunity in areas highly visible to employees, all advertising for job applicants includes the statement "An Equal Opportunity Employer" and Human Resources will post all required job openings with the appropriate state agency.

Camden County forbids retaliation against any individual who files a charge of discrimination, reports harassment, or who assists, testifies or participates in an equal employment proceeding. Employees are required to report to a member of management or the Human Resources Director any apparent discrimination or harassment. The report should be made within forty-eight hours of the incident. The Human Resources Director will promptly notify the County Manager of all incidents or reports of discrimination or harassment.

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. The County will promptly and thoroughly investigate every issue that is brought to its attention in this area and will take appropriate disciplinary action, up to and including termination of employment.

## **Section 2. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age.

Notices with regard to equal employment matters shall be posted in conspicuous places on County premises in places where notices are customarily posted.

## **Section 3. "At-Will" Employment**

Employment with Camden County is "at will" and can be terminated with or without cause, with or without notice, at any time, at the option of either the County or the employee, except as otherwise provided by law.

Camden County Government retains sole discretion to exercise all managerial functions, including the right:

- 1) To dismiss, assign, supervise, and discipline employees;
- 2) To determine and change starting times, quitting times and shifts;
- 3) To transfer employees within departments or into departments;
- 4) To determine and change the size and qualifications of the work-force;
- 5) To determine and change methods by which its operations are to be carried out;
- 6) To determine and change the nature, location, services rendered, and continued operation of the business; and
- 7) To assign duties to employees in accordance with Camden County's needs and requirements.

Nothing in this personnel policy should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies that Camden County has

implemented or will implement in the future. Accordingly, Camden County retains the right to establish, change, and delete its policies, practices, rules and regulations “at will” and as needed.

An exception to this policy is a written employment agreement approved at the discretion of the County Manager and/or Board of Commissioners, whichever is applicable. Employees subject to the State Human Resources Act are exempt from the “at will” classification upon completion of their prescribed probationary period.

Camden County has complete discretion to terminate employees for reasons not stated in the Camden County Personnel Policies.

#### **Section 4. Recruitment, Selection and Appointment**

**Recruitment Sources.** Recruitment and selection practices are conducted solely on the basis of job-relevant qualifications, ability, merit, and competence without regard to race, religion, color, creed, national origin, sex, age, political affiliation, handicapping condition or any other protected category under local, state, or federal law.

When a position becomes vacant, and prior to the posting or advertisement of any position, the Department Head must prepare and submit a request to fill the position to the Human Resources Director or County Manager. The request to advertise the position must explain the continuing need for this position and suggest any revisions to the position that should be made prior to posting or advertisement of the position. A position will not be posted or advertised if it has not been previously budgeted and authorized by the Board of Commissioners.

When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. All advertisements for employment must include an assurance that the County is an equal opportunity employer and will comply with federal and state statutes regarding discrimination in employment matters. Information on job openings and hiring practices will be published in local and/or other media as necessary to inform the community and create a quality and diverse pool of applicants.

In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the County may hire or promote without advertising jobs, upon approval of the County Manager.

**Job Advertisements.** The goal of this policy is to ensure that all employees are made aware of and have the opportunity to apply for open positions either before or concurrent with the County’s consideration of external candidates for employment. While it is Camden County’s philosophy to promote from within whenever possible, there are business conditions that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The business conditions that could cause a decision to bypass posting, or to post the position while simultaneously recruiting from the outside, include, but are not limited to: organizational restructuring; position requirements that include skills, education, and/or experience that are not known to match any existing employee; critical operational needs; etc. In addition to these business conditions, managers may request an exception when they have candidates within the same department or

division who are qualified and/or already trained for the position. The decision to fill the position without posting requires the recommendation of the Director of Human Resources, and the approval of the County Manager.

County agencies covered by North Carolina Human Resources Act (Social Services Department) must advertise all vacant positions in accordance with North Carolina General Statute 96-29 and 126-7.1 and the Administrative Code provisions are 25 NCAC 1H.0631 and 25 NCAC1.1902. If the county agency covered by the North Carolina Human Resources Act is reallocating or reclassifying the position held by a current employee and there has existed no vacancy into which the employee is moving, no posting or advertising is required. If the agency is filling a vacancy from within, considering only current employees of the agency, notice must be posted but no outside advertising is required. If the agency is open to considering applicants from outside its own workforce, then it must advertise the vacancy with the Office of State Human Resources (OSHR) and with the Division of Employment Security.

All regular part-time and full-time newly hired employees or recently transferred/promoted/demoted current employees with six or more months of continuous county service in their positions, and who have a satisfactory performance and attendance record, are eligible to apply for posted openings. All temporary/substitute employees with satisfactory performance are eligible to apply for posted openings. The Agency Director (Department of Social Services), Elected Officials such as the Sheriff and Register of Deeds and/or County Manager may make exceptions to this rule if it's beneficial to the Agency or Department.

It's will be the county's practice to post vacant positions for at least seven (7) business days, during which time applications may be submitted to Human Resources.

Each job posting will contain the job title, department, a complete job description which includes: a concise summary of principal duties, responsibilities and requirements of the job, and minimum qualifications of the candidates for the job, grade and salary range.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

**Application for Employment.** All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment for positions which are currently being recruited.

All qualified persons expressing interest in a County position, including current employees, will be given the opportunity to file an application for employment when the County is advertising to fill such positions. All applicants for a position must complete and sign the County's official application form for each position for which they are applying. An applicant must complete an individual application for each position which he/she wishes to apply. All applications will only be accepted at the County Human Resources Office.

Applicants may be required to submit certificates from educational and training institutions, proof of licensure, and other documentation requested by the County which provides reasonable proof of any statement made on the application. Any false statements within the application or omissions of relevant work experience or criminal history may be cause for rejection of the application or disciplinary action up to and including dismissal.

**Application Reserve File.** Applications will be maintained in a reserve file for a period of two (2) years, in accordance with the State of North Carolina Department of Cultural Resources Retention Schedule. To the extent that it is practical, reference to these files shall be made periodically in connection with the county's employment requirement to ensure that equal consideration is given to all applicants.

**Qualification Standards.** The minimum qualification standards for applicants seeking County employment and for current County employees seeking a promotion or transfer must be consistent with the established job class requirements and with any specialized requirements for specific positions. Minimum qualification standards include the specified education, experience, physical capabilities, and other knowledge, skills, and abilities defined for the job class as established by the department head in consultation with the Human Resources Director.

The minimum qualification standards for positions subject to the North Carolina Human Resources Act will be determined by the Office of State Human Resources (OSHR). Applicants who do not meet the minimum education and experience requirements may be hired as “trainees” or in a “work against” status when there is an absence of qualified applicants from which to select if approved or delegated authority as authorized by the Office of State Human Resources.

**Selection.** The County will select the best qualified person for each available position from among the applicants who meet the minimum qualifications established for the position. Evaluation of qualifications is based upon job-related criteria and without regard to race, religion, color, creed, national origin, sex, age, political affiliation, stereotypes, disability or any other protected category under local, state, or federal law. It is the responsibility of the Human Resources Director to manage the selection process to ensure compliance with state and federal laws and consistent with the County’s employment practices.

Selection procedures used to determine the qualifications of applicants for any position may include but are not limited to an evaluation of the employment application and other submitted materials; structured interviews; reference checks; driver’s license checks; academic verifications; criminal background and credit checks; and controlled substance testing. Department Heads must reasonably document hiring decisions to verify the basis for selection. Such documentation will include as a minimum, a structured interview format, which ensures all candidates are asked identical questions and that the answers to those questions are evaluated in an objective, fair and good faith manner which provides a fair and equal opportunity to all candidates.

The Department Head, County Manager or Human Resources Director or their designees will notify the applicant deemed most qualified of selection and offer employment. The documentation of the interview procedures, offer and acceptance shall be forwarded to Human Resources where it shall be placed in the employee’s personnel file.

### **Background Checks.**

Camden County Government believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the County. Background checks serve as an important part of the selection process. Background checks help the County obtain additional applicant related information that helps determine the applicant’s overall employability, ensuring the protection of the current people, property, and information of the organization.

This process is conducted to verify the accuracy of the information provided by the applicant. Human Resources will ensure that all background checks are held in compliance with all federal and state statutes, such as the Fair Credit Reporting Act.

Camden County Human Resources may also use the internet to conduct supplementary background checks on job applicants after a conditional offer of employment has been made to review social media sites such as Facebook, Twitter, Snapchat, LinkedIn, etc. Camden County Human Resources can make inquiries regarding

criminal records during the pre-employment stage; however, as part of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment, unless it is determined to be due to job-related issues, false information provided on job application or business necessity.

If the results of the background check are negative, the County must inform the applicant that it plans on taking adverse action.

Camden County is allowed by federal law to reject an applicant who refuses to undergo a background check.

### **Pre-Employment Drug Testing**

Prospective employees will be notified through a contingent offer that they are subject to drug and/or alcohol testing. All drug testing must be coordinated through Human Resources and will be administered by the County's chosen medical provider. Human Resources will schedule pre-employment testing to be conducted by the County's medical provider within five (5) business days from the date of the offer letter. A confirmed positive test will result in the rescission of the job offer to the applicant.

### **E-Verify and Employment Eligibility**

The County complies with the Immigration Reform and Control Act of 1986. All County employees shall be citizens of the United States, or shall be authorized to work in the United States and will be required to submit appropriate documentation of alien employment eligibility pursuant to Title VIII, U.S.C. 1324 et seq. The minimum employment age for employees is eighteen (18) years of age. Law Enforcement Officers must be a minimum of twenty-one (21) years of age.

In accordance with the Immigration Reform and Control Act of 1986 (IRCA), the County must verify and document employment eligibility for each employee using the federal Employment Eligibility Verification (I-9) form. The I-9 form lists documents needed to prove/establish identity and employment authorization and each document used by the employee to substantiate employment eligibility must be inspected for authenticity by the authorized County representative who must also sign the I-9 form. The employment verification process must be completed in person within three business days of the employee's hire date. The IRCA does not apply to employees hired prior to November 7, 1986, who have been continuously employed since that date.

Effective October 1, 2011, all new employees not only complete the I-9 form but must also be cleared by the Department of Homeland Security (DHS) and the Social Security Administration (SSA) as being eligible to work in the United States using the online E-Verify Program. The information provided by the new employee from the completed I-9 form and their social security number is input by Human Resources into the secure E-Verify system which will respond within seconds whether the person is cleared to work or if they have issues that must be cleared up with either the SSA or DHS. Due to the photograph matching tool, the E-Verify Program also requires that one of the documents used to substantiate employment eligibility must contain a photograph of the employee. Each new employee selected for employment with the County must provide Human Resources with a Social Security Card and a current Driver's License.

The Human Resources Department is responsible for managing the employment verification process for all staff.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Appointing Authority shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and

Department Head shall recommend approval of appointments and the starting salary for all applicants to the Appointing Authority. All employment offers should be confirmed in writing. The Personnel Action Form, the original application for employment, a copy of the employment offer letter, and any additional supporting documents pertaining to the selected candidate should be submitted to the County Manager's office prior to the beginning date of employment. The documents will become part of the new employees personnel file.

## **Changes in Employment Status**

### **Section 5. Probationary Period**

A newly hired employee appointed to a regular position shall serve a probationary period. All newly hired employees and department heads shall serve a six-month probationary period. Employees in trainee or "work against" appointments will have specific time frames established for their probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and areas for improvement) will be discussed with the employee and a summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months. Therefore, the maximum probationary period for County employees is nine months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy. (Section Approved June 25, 2021)

### **Section 6. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is the best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Candidates for promotion shall be chosen on the basis of their qualifications and their quality of work. Candidates shall apply for promotions using the same application process as external candidates.

### **Section 7. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotions may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be involuntarily demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this chapter. Demoted employees may appeal this decision based on the Grievance Process outlined in this Personnel Policy.

An employee may request a voluntary demotion when a vacant position is available. Employees may request voluntary demotions in order to accept a position with less complex duties and reduced responsibilities, to change

career paths, or for other reasons. A voluntary demotion is not a disciplinary action and is made without using the above-reference disciplinary procedures.

### **Section 8. Transfer**

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the County Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy.

## **ARTICLE VI. CONDITIONS OF EMPLOYMENT**

### **Section 1. Work Schedule**

The County Manager shall establish standard hours of operation for County departments. The County Manager is also authorized to adjust standard hours of operation and department work schedules as needed to meet services and operational needs. For positions subject to the North Carolina Human Resources Act, the Agency Director is authorized to establish standard hours of operation and to adjust the standard hours of operation and department work schedules as needed to meet services and operational needs for their respective agency. No County office shall be closed at any time without the prior knowledge and approval of the County Manager.

The Sheriff and Register of Deeds shall be exempt from the provisions of this Section, except that they may not work any employee more than allowed under the terms and conditions of the salaries and benefits provided for under the County budget ordinance.

### **Modified or Flexible Work Schedules**

The employees of Camden County are the primary resource for achieving its mission and objectives. For many employees, flexible work schedules support a healthy work-life balance and improve employee morale. This policy has been developed to allow departments to offer flexibility to better meet the needs of the citizens of Camden County while accommodating an ever-changing environment and diverse workforce.

Camden County may attempt to accommodate an employee's request for a flexible or modified work schedule as long as the accommodation does not negatively impact service delivery.

Full time employees who have completed at least twelve (12) months of continuous full-time employment are eligible to request a flexible or modified work schedule. Employees who have been subject to disciplinary action during the previous 90 days may not be eligible to participate in the flexible or modified work schedule program.

Department Heads have the option to decide how and whether to implement a flexible or modified work schedule program to meet the needs of their customers and functions of their department. An evaluation of the employee's proposed work schedule will be assessed to determine if the employee is able to fully meet job responsibilities and performance expectations, the level of employee interaction with members of the public and other employees, and has the employee demonstrated responsibility and dependability. Camden County supports flexibility for

departments and employees with the understanding that effective and efficient service delivery for citizens is paramount.

The minimum operating days and hours of Camden County Government are Monday through Friday, 8:00 AM to 5:00 PM. Most county employees are required to work the core hours of 8:00 AM to 5:00 PM and the earliest time employees may arrive is 7:00 AM and the latest time they may leave is 6:00 PM unless defined differently by the Department Head and approved by the County Manager. Those county departments that operate 24 hours daily may schedule appropriately to best meet the needs of those they serve.

The County Manager, or the Agency Director for positions subject to the North Carolina Human Resources Act, has the final authority to approve permanent flexible or modified work schedules. Once the modification is approved, it is the Department Head's responsibility to inform Human Resources in writing of such changes.

### **Teleworking/Telecommuting**

Teleworking: Any form of substitution of information technologies (such as telecommunications and/or computers) for normal work-related travel; moving the work to the workers instead of moving the workers to work.

Telecommuting: Periodic work out of the principal office, one or more days per week, either at home, a client's site, or in a telework center; the partial or total substitution of information technologies for the commute to work. The emphasis here is on reduction or elimination of the daily commute to and from the workplace. Telecommuting is a form of teleworking.

In reality, the two terms mean the same thing in today's workplace and can be used interchangeably: They are both terms for the practice of working from home or off-site, making use of the internet, email, chat, and phone to perform duties that once were carried out only in an office environment. The term "remote workers" has come to mean the same thing. Teleworking/Telecommuting must be approved by the County Manager and the Board of County Commissioners.

## **Section 2. Expectation of Ethical Conduct**

The proper operation of County government requires that public officials and employees be independent, impartial, and responsible to the people; 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.

To ensure orderly operation and to provide the best possible work environment, the County expects employees to follow the conduct standards, which are designed to protect the interests and safety of all employees and the County. In all matters and at all times, County employees shall observe the highest standards of ethical conduct and professional behavior while fulfilling their job duties and responsibilities both within the County government and within the general public.

### **Report of Personnel Changes**

The County attempts to maintain complete and accurate personnel information on employees. Employees must immediately notify Human Resources when a change in any of the following occurs:

- 1) Name (through marriage or otherwise)
- 2) Address

- 3) Marital Status
- 4) Beneficiaries for life insurance and retirement
- 5) Telephone number
- 6) Emergency contact
- 7) Direct Deposit

### **Section 3. Political Activity**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and Laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a. Engage in any political or partisan activity while on duty; or
- b. Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office; or
- c. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes; or
- d. Coerce, solicit or compel contributions from another employee of the County for political or partisan purposes; or
- e. Use any supplies or equipment of the County for political or partisan purposes; or
- f. Publicly post support for a candidate in their office or on their attire while on the job or at the work site; or
- g. Be a candidate for nomination or election to the office of Camden County Commissioner; or
- h. Identifying yourself as a county employee and/or implying that your statements are related to your employment or the County is prohibited. Also identifying yourself as a County employee and posting on social media political campaign comments using offensive materials that are defamatory or using disparaging language.

Any violation of this section shall be deemed improper conduct and shall subject the employee to disciplinary action under this policy.

### **Section 4. Conflict of Interest**

The credibility of local government rests heavily upon the confidence which citizens have in public officials and employees to render fair and impartial services to all citizens without regard to personal interest and/or political influence. Thus, County officials and employees must scrupulously avoid any activity which may suggest a conflict of interest between their private interests and County responsibilities. Elected officials and employees of the County, or their family members, shall not engage or have financial interest in any business or other activity which could reasonably lead to a conflict of interest with the official's or employee's primary County responsibilities.

Examples of activities which are not in accordance with this policy include, but are not limited to, the following:

- a. Activities which require the official or employee to interpret County laws, codes, ordinances, or regulations when such activity involves matters with which the official or employee has business and/or family ties.
- b. Using an official's or employee's authority, influence, or County position for the purpose of private or personal financial gain.
- c. The use of County time, facilities, equipment or supplies for the purpose of private or financial gain.
- d. Entering into a business transaction when it involves using confidential information gained in the course of employment.
- e. Accepting other employment or public office where it will affect the official's or employee's independence of judgment or require the use of confidential information gained as a result of County duties.
- f. Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel.
- g. 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, for purposes of advancing a business entity which there is an ownership interest, for purposes of advancing a financial or personal interest of a household member or a family member, or for purposes of advancing any other private or political interest to the detriment of the County.
- h. 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 that are afforded protection under state law.
- i. No elected official shall require, either directly or indirectly, any employees of the County to campaign on his/her behalf as a condition of employment.
- j. No employees shall use County time or resources in promoting or advocating the election of any individual.

Any official or employee engaging in any activity involving either an actual or potential conflict of interest or having knowledge of such activity by another official or employee is encouraged to promptly report the activity to the County Manager, or if such activity be by the County Manager, to Chairman of the Board of Commissioners. The County Manager or Chairman of the Board of Commissioners shall investigate the matter and make a determination as to whether or not an actual or potential conflict exists. If the County Manager or Board Chair determines a conflict exists, it shall be presumed that the continuation of the practice would be injurious to the effectiveness of the official or employee in carrying out his/her duties and responsibilities. In such cases the official or employee shall immediately terminate the conflicting activity or be subject to termination of employment or removal from office.

For the purposes of this policy, the term official shall include all elected and appointed officials of the county including, but not limited to, the County Board of Commissioners, other elected officials, and members of boards

and commissions. Employee shall include any individual employed by the County on a full or part-time basis. Any County employee having knowledge of or a reason to know of a potential personal interest, or upon the discovery of a potential personal interest, has an affirmative duty to disclose such personal interest to the County Manager. Any attempts by any person, firm or corporation to influence the decision of a County employee with regard to County business must be reported to the County Manager. Nothing in this policy is intended to violate, supersede, or conflict with any applicable state or federal laws regarding conflicts of interest in public employment or disclosure requirements.

## **Section 5. Outside Employment**

The County does not prohibit employees from engaging in outside employment. However, the work of the County shall have precedence over other occupational interests of employees. No officers or employees of the County shall engage in any additional business or job that would involve their receiving funds from Camden County. The County will not change work hours to facilitate the scheduling of outside employment. **All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the County Manager.** The County Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Documentation of the approval of outside employment will be placed in the employee's personnel file.

Examples of conflicts of interest in outside employment include but are not limited to:

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

Employees of the County Sheriff's Office may not work for any organization or private business while in uniform or in a capacity as a law enforcement officer without prior written approval of the Sheriff.

Failure to report outside secondary employment or conflicting outside secondary employment will be grounds for disciplinary action up to and including dismissal.

## **Section 6. Dual Employment**

A full or part-time employee 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 such work will not count toward the calculation of overtime for pay or time off.

## **Section 7. Employment of Relatives**

Camden County is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to the potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment which can be carried into the daily working relationship, the following restrictions apply to the

hiring of relatives. Relatives of persons currently employed may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority where employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include but are not limited to hiring, retention, transfer, promotion, wages and leave requests.

This policy applies to all current and potential employees.

Family member is defined as one of the following: relationships by blood – parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin; and relationships by marriage – husband, wife (as defined by state law), step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and cohabitating couples/significant others.

Pursuant to G.S. 153A-103, the Board of Commissioners may approve the appointment by the Sheriff or Register of Deeds of a relative by (a) blood, (b) marriage, (c) nearer kinship than first cousin, or a person who has been convicted of a crime involving moral turpitude if the Commissioners make a written finding of fact that such employment was requested by the Sheriff or Register of Deeds and the reasons set forth by the Sheriff or Register of Deeds that he/she feels that employing this person would be in the best interests of the County and should not follow the hiring policies set forth in this Policy.

## **Section 8. Discrimination and Harassment**

Camden County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. Employees should be able to work and learn in a safe, yet stimulating atmosphere and with the absence of intimidation, oppression and exploitation. Camden County will not tolerate unlawful discrimination or harassment of any kind. Camden County has a zero-tolerance policy for discrimination or harassment. Through enforcement of this policy and by education of employees, Camden County will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

All employees, including appointed officials, elected officials, full-time employees, part-time employees, temporary employees, and seasonal employees are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related settings outside the workplace, such as during business trips, business meetings and business-related social events.

### **Harassment**

Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination. The County opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment in any form is prohibited under this policy. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally

offensive, and that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964 and in accordance with the August 15, 2016 Department of Labor's Office of Federal Contract Compliance Programs Final Rule of Sex Discrimination Guidelines (§ 60-20.8). (Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources Director will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official.

### **Section 9. Use of County Time, Equipment, Supplies, and Vehicles**

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only conduct County business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal.

### **Section 10. Acceptance of Gifts and Favors**

All County employees are strictly prohibited from directly or indirectly soliciting or receiving any gift, reward, promise of reward, or anything of value whether in the form of services, loan, travel, entertainment, hospitality, thing or promise or any other form where the circumstances indicate it is in exchange of, or in consideration for, some action to be taken or not taken in the performance of the employee's duties. Legitimate political contributions to elected officials shall not be considered as gifts. No County employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

This policy is not intended to prohibit customary gifts or favors in circumstances where it is clear that the relationship rather than the official business of the individual concerned is the motivating factor for the gift or favor.

Violation of this policy shall be reported to the County Manager. Any County employee who violates this policy is subject to disciplinary action up to and including dismissal.

### **Section 11. Safety**

Safety is the responsibility of both the County and employees. It is the policy of the County to establish a safe work environment for employees. The County shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs.

Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

### **Occupational Safety and Health Act (OSHA).**

It is the policy of the County to comply in all respects with the 1970 Occupational Safety and Health Act (OSHA) and all amendments thereof. The County Manager shall establish or approve policies and procedures relative to compliance with OSHA. Camden County is committed to making reasonable efforts to provide a safe and healthy working environment for all employees.

Camden County's policy is to ensure that every reasonable precaution is taken to prevent the incidence of accidents, injuries, and illnesses for all employees. Camden County requires all jobs or tasks to be performed in the safest way possible. All County employees are expected to adhere to this policy, are expected to follow safe working procedures and are expected to use good common safety sense when at work. The County will conduct and document both formal and informal safety training for all employees. The County will also pursue a vigorous safety inspection effort involving all County facilities, vehicles and work procedures to identify and correct all hazardous conditions and practices. Department Heads will establish personal protective equipment guidelines for all employees, furnish the equipment, and require its use by applicable employees.

The **Safety Committee** is charged with, and all County employees are responsible for, promoting accident prevention by actively supporting the Safety Policy and observing the safety regulations. The Safety Committee will create and maintain a high level of interest and awareness of safety among all employees. The Safety Committee will also assist in the development of safety policies and procedures for the County Safety Manual. The Camden County Safety Manual has been prepared and adopted as the County's safety guidelines and all employees are expected to comply with this policy and its procedures.

The **County Safety Officer** will ensure that all Federal, State and Local laws, regulations, codes and ordinances are followed and develop accident prevention methods, procedures and programs. The Safety Officer will conduct investigations of accidents and hazardous conditions and make recommendations for corrective actions. The Safety Officer in coordination with Department Heads will conduct inspections of all county facilities and assist in the coordination of safety training. The Safety Officer will assist in the maintenance of records and reports concerning county safety issues and maintain and/or update the County safety policies and procedures.

**Accident Reporting.** Employees must report unsafe conditions or practices to their supervisor immediately. If a work-related accident, injury, or illness occurs, employees must report it to their supervisor immediately. A written statement of any accident must be prepared by the Department Head and forwarded to Human Resources within seventy-two (72) hours. A copy of the report will be provided to the Safety Officer. The County Safety Officer will actively investigate and review all accidents involving County employees and property to determine the cause of the incident and to outline preventive measures. If the employee requires medical attention as a result of a work-related accident, injury, or illness, they are required to follow the procedures set forth in the Workers' Compensation policy. Camden County has adopted a proactive return to work policy that requires all employees in a modified or restricted duty status to return to work and perform their duties consistent with their physical restriction(s) set by their treating physician. If an employee has any questions regarding the accident reporting procedures, they are encouraged to contact their supervisor or the Human Resources Director.

Working safely is a condition of employment; therefore, safety is tied to job performance. If it is determined that a county employee has willfully or negligently ignored or violated a Federal, State, County or departmental safety policy, or has been injured, caused injury or has an at fault accident due to an unsafe act, disciplinary action may be applied up to and including dismissal based on the severity of the action.

Additional detailed procedures regarding safety, worker's compensation, injury, and infection control may be established by the County Manager.

## **Section 12. 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 a permanent part of their personnel file.

## **Section 13. Substance Abuse**

The County is firmly committed to maintaining a drug and alcohol-free work environment in order to insure the safety and welfare of the general public and all County employees and to insure an efficient and effective work force. The County also seeks to aid employees experiencing substance abuse problems by offering rehabilitation opportunities.

The County will adhere to the Drug & Alcohol Testing Policy approved 1/3/2012.

## **Section 14. Use of Tobacco Products**

Except as otherwise provided by law, no employee may smoke or otherwise use tobacco products in any county owned, leased, rented, occupied, or otherwise controlled building, facility, property, equipment or vehicle. The County Manager shall designate suitable areas outside of county buildings for smoking or use of tobacco products.

The use of e-cigarettes is also prohibited under this policy where smoking and the use of tobacco products are prohibited. E-cigarettes means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor or nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor. Violation of this policy represents grounds for dismissal.

## **Section 15. Pre-employment**

Applicants being considered for hire must pass a drug test and complete a criminal/driving record history check before beginning work or receiving an offer of employment. Refusal to submit to testing or completing a criminal/driving record history check will result in disqualification of further employment consideration.

## **Section 16. Dress Code**

Employees of Camden County create an image to the community, visitors and citizens and are expected to come to work well-groomed and dressed in the professional manner appropriate to the activities of their position.

It is impossible and undesirable to define an absolute code for dress and fragrances. Some basic essentials of appropriate dress include employees and their clothing are required to be neat and clean.

Employees required to wear a uniform must be in complete uniform at all times while on duty as directed by the Department head. The Department head shall outline the condition of the uniform expected of the employees within that department, but uniforms should, at a minimum, be clean, pressed and not bearing holes, tears, or significant fraying or discoloration.

The wearing of shorts, t-shirts, and tank tops is prohibited. Employees whose job duties include frequent outside activity may wear shorts if approved by the Department head. Shorts must be no shorter than two inches above the knee and must be hemmed. Work jeans and bareback dresses are not appropriate for employees regularly assigned to work in County office buildings or facilities. Extreme forms of dress or grooming are prohibited.

Beards, sideburns and moustaches should be neatly trimmed and not excessively long. The Department head may adopt regulations that prohibit any long head, or facial hair constituting a safety or occupational hazard.

If, in the opinion of the Department or supervisor, the employee's appearance or personal hygiene is in violation of this Section, the Department head may require the employee to alter his/her appearance to come into compliance with this Section and the Department head may provide that any time away from the job to come into compliance with this Section shall be taken as vacation leave.

### **Section 17. Use of Technology Resources**

Technology resources belonging to the County including, but not limited to pagers, radios, towers, Internet service, all computer equipment and software, email, and any network resources are owned by the County and are in place to enable the County to provide services in a timely and efficient manner. This is the primary function of these resources and any activity that interferes or is contrary to this purpose is prohibited. Any violation of the Technology Resource Policy as approved by the County Manager represents grounds for dismissal.

### **Section 18. Driver's License**

Any employee performing work that requires the operation of a County vehicle must hold a valid driver's license as a condition of continued employment with the County. In those cases where an employee's driver's license is expired, suspended or revoked, the employee shall immediately notify his/her Department head of such expiration, suspension or revocation. If an employee fails to immediately notify his/her Department head, then the employee is subject to disciplinary action.

Any judicial or administrative proceeding that results in a revocation, suspension or limitation of an employee's driver's license shall be cause for immediate termination, provided that the County Manager may consider and approve a demotion or transfer to another position within the County that does not require the operation of a motor vehicle in conducting County business. However, the County manager is not required to make such a demotion or transfer and shall retain the authority to terminate the employee or take any lesser disciplinary action. Operation of a motor vehicle that results in a judicial or administrative proceeding involving the revocation, suspension or limitation of an employee's driver's license shall immediately suspend that employee's right to operate a motor vehicle in the conduct of County business.

## **ARTICLE VII. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

All part-time and full-time employees of the County are eligible for employee benefits as provided for in this Article which are subject to change at the County's discretion. Temporary employees are eligible only for workers' compensation and social security. Sheriff and Register of Deeds will be subject to this article.

### **Section 2. Group Health and Hospitalization Insurance**

The County provides group health and hospitalization insurance programs for full-time employees.

Employees who are scheduled to work 40 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health and hospitalization insurance through the County for themselves or for themselves and qualified dependents. Subject to funds available, the County shall pay the employee share of group health and hospitalization insurance for full-time employees. Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Employees are eligible to receive health benefits after completing 30 days of employment. Benefits will then begin on the first day of the following month.

If an employee resigns or is terminated, the health insurance will terminate at the end of the month of the resignation or termination.

Employees who were hired prior to January 7, 2013 and retire with twenty or more years of service with Camden County may receive paid health insurance from the County until age 65. When the employee begins coverage under Medicare or reaches the age of 65, County-provided health and hospitalization insurance shall cease. The retired employee will contact Human Resources advising them of their 65<sup>th</sup> birthday.

Employees who are hired on or after January 8, 2013 will receive no health or dental insurance paid by the County upon retirement, but will be eligible to receive COBRA.

### **Section 3. Group Life Insurance**

The County provides paid life insurance to its employees. Information on costs, coverage, and benefits are available from the Human Resources Director.

### **Section 4. Other Optional Group Insurance Plans**

The County may make other group insurance plans available to employees upon authorization of the County Manager or County Commissioners.

### **Section 5. Retirement**

Each employee who is expected to work for the County more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment.

Employees contribute, through payroll deduction, six percent (6%) of their gross salary or at a rate to be determined by the North Carolina Local Governmental Employee's Retirement 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 Government Employees' Retirement System handbook available from the Human Resource Office.

#### **Section 6. Supplemental Retirement Benefits 401(k)**

The County allows employees to defer a portion of their income before taxes into a 401-K tax deferral plan.

The County provides contributions of 5% to a 401-K plan for certified law enforcement personnel as required by the state, and an amount to be determined by the County Commissioners to full-time employees and to part-time employees who work at least 1,000 hours per year.

The County also pays a monthly separation allowance to retired law enforcement officers as required by General Statutes.

#### **Section 7. Social Security**

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

#### **Section 8. Workers' Compensation**

The purpose of this policy is to provide medical benefits, disability compensation and a smooth transition back to a regular work status for employees who sustain compensable injuries or illnesses, which arise out of or are found to be within the course and scope of their employment, in accordance with the North Carolina Workers' Compensation Act.

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses, which arise out of or are found to be within the course and scope of their employment. Employees on official business outside the County will be covered by Workers' Compensation insurance in accordance with the North Carolina Workers' Compensation Act. Loss time is when a work-related injury or illness results in absence from work. Loss time due to a work-related injury or illness will not be credited towards completion of an employee's probationary period.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Director or designee will coordinate the filing of such claims.

#### **Section 9. Unemployment Compensation**

County employees are covered by unemployment insurance. County employees who are terminated due to a reduction in force or released from County service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

#### **Section 10. 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 their current job or prepare them for promotional opportunities within the County service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of five hundred dollars (\$500) per fiscal year subject

to availability of funds budgeted for this purpose in the current 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 11. 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 under the State Personnel Act and their family members for various loan services, checking, and savings accounts.

**ARTICLE VIII. HOLIDAYS AND LEAVES OF ABSENCE**

**Section 1. Policy**

The policy of the County is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees in a regular position with County.

Leave balances should accrue with each payroll at a pro-rated amount when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, holiday leave, and compensatory leave.

**Section 2. Holidays**

The County provides twelve paid holidays per year. The policy of the County is to follow 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<sup>st</sup> of the previous calendar year for distribution to County employees. The Board of County Commissioners may adjust the holiday schedule as deemed necessary.

An employee must work, use vacation, sick or compensatory leave the day before and the day after in order to receive holiday pay with the exception of law enforcement.

The number of holiday hours earned by employees shall be determined in accordance with the formula set forth in Section 15 of this article but not to exceed 8 hours of holiday pay for employees and 8.4 hours for law enforcement officers.

Departments which have staff working during holidays may designate which days of the week are to be observed using the actual legal holidays when appropriate.

**Section 3. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

**Section 4. Holidays: Compensation When Work is Required**

Essential regular full-time public works employees required to perform work on regularly scheduled holidays will be paid eight (8) hours of holiday pay on top of their base pay for hours actually worked on a holiday and essential

regular full-time law enforcement officers will be paid eight point four (8.4) hours of holiday pay on top of their base pay.

**Section 5. Vacation Leave**

Vacation leave is a benefit granted by the Board of County Commissioners to eligible employees. Vacation leave is earned by regular, permanent, probationary, full-time and part-time employees that work twenty (20) hours or more per week each pay period based on years of service to the County.

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory time earned by nonexempt employees must be used prior to using vacation time.

**Section 6. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period, with the exception of leave without pay approved during interview process. Employees shall be allowed to take accumulated vacation leave after six months of service.

**Section 7. Vacation Leave: Accrual Rate**

Each full and part-time employee of the County shall earn vacation at the following schedule, prorated by the regular number of hours in the workweek:

<b>Years of Service</b>	<b>Hours Granted Each Month</b>	<b>Hours Granted Each Year</b>	<b>Days Granted Each Year</b>
Less than 2 years	7 hrs. 50 min.	94	11 3/4
2 but less than 5 years	9 hrs. 10 min.	110	13 3/4
5 but less than 10 years	11 hrs. 10 min.	134	16 3/4
10 but less than 15 years	13 hrs. 10 min.	158	19 3/4
15 but less than 20 years	15 hrs. 10 min.	182	22 3/4
20 years or more	17 hrs. 10 min.	206	25 3/4

**Section 8. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31<sup>st</sup> of each year. Effective the last payroll in the calendar year, any employee with more than 30 days (240 hours) of accumulated leave shall have the excess accumulation removed so that only 30 days (240 hours) are carried forward to January 1<sup>st</sup> of the next calendar year. Any excess vacation leave as of December 31<sup>st</sup> will be transferred to an employee's sick leave account.

Because the number of hours in an employee's work week vary, the number of hours in 30 days varies. **See Section 15 of this Article for formula to calculate the number of hours in 30 days.**

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

**Section 9. Vacation Leave: Manner of Taking**

Earned vacation leave may be taken when requested 24 hours in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Under Emergency Circumstances a Department Head at his/her discretion may authorize leave requests without 24-hour notice. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave may be taken in quarter hour units. Vacation may be used as sick leave when sick leave has been exhausted and must be used in the same manner as accrued sick leave.

**Section 10. Vacation Leave: Payment upon Separation**

An employee who has successfully completed the probationary period will normally be paid for accumulated annual leave upon separation subject to the 30-day maximum, (240 hours) provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall 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 who are involuntarily separated shall receive payment for accumulated annual leave subject to the 30-day maximum, (240 hours).

**Section 11. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the County shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

**Section 12. Sick Leave**

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Board of County Commissioners to regular, permanent, probationary employees.

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, but may not be used to care for healthy children when the regular care giver is sick.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence, except by special permission of the Department or County Manager.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' Compensation benefits begin.

**"Immediate family"** shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours (2) prior to the beginning of the scheduled workday or shift. If an emergency prevents the employee from notifying their supervisor within the allowable time, the employee is expected to call as soon as practical during the work day or shift. The employee is required to speak with the Supervisor unless an emergency (example: employee unconscious) prevents the employee from physically speaking to the Supervisor. Employees are required to keep their supervisor informed of their condition and anticipated return to work. Failure to do so appropriately may result in disciplinary action.

In order to facilitate the recruitment of qualified persons with appropriate public sector experience, the County Manager may authorize the carry-over of all or a portion of the unused sick leave that has been certified as accumulated during employment with a past state or local government employer.

**Section 13. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring or terminated due to reduction in force.

**Section 14. Sick Leave: Medical Certification**

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave in excess of three (3) days or less than three (3) days if the supervisor observes a "pattern of absenteeism or abuse of sick leave privileges." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. Any restrictions of duty must be prescribed in detail by the employee's physician and submitted on the treating physician's letterhead. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

When an employee goes on sick leave he/she must notify his/her Department Head or supervisor immediately. Notification should be within 30 minutes prior to the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he/she expects to return to work.

An employee who is on sick leave for a period of three days or longer shall be required to provide a note from a medical doctor. Supervisors and Department Heads will submit all physician certificates and other medical data pertaining to an employee to Human Resources for their medical files.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

### **Sick Leave – Retirement Credit for Accumulated Sick Leave**

One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees Retirement System. Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service under the North Carolina Local Governmental Employees Retirement System, in accordance with all rules and regulations.

### **Reinstatement and Transfer of Sick Leave**

Employees hired by the County, whose immediate past employer within the last six (6) months was the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina, may transfer to the County any unused sick leave, provided the employee has not requested, or is receiving, retirement benefits from the North Carolina Retirement System. The employee must request this transfer within ninety (90) days of the beginning of employment with Camden County, and it is the responsibility of the employee to provide bona-fide documentation of the amount of unused sick leave from the immediate past employer and the dates of employment with the other agency. Upon verification of the unused sick leave by Human Resources, the employee will be credited with the transferred sick leave. Transferred sick leave can be used in the same manner as sick leave earned in the scope of employment with Camden County.

A former employee who is re-employed by the County within one (1) year from the date of separation shall be credited with the balance of sick leave at the time of separation, except when the employee retired under the North Carolina Retirement System and the sick leave was credited towards service time for the purposes of retirement.

### **Section 15. Leave Pro-Rated**

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

### **Section 16. Leave Without Pay**

A full or part-time employee may be granted a leave of absence without pay for a period of up to six months by the County Manager. The leave shall be used for reasons of personal disability after both sick leave and desired

amount of annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the Department Head for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation. New hired employees are eligible to use leave without pay if approved during the interview process.

### **Section 17. Family Medical Leave**

The County will grant up to 12 weeks of family and medical leave during any 12-month period beginning on the date leave is first used to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees must have regular status and must have been employed at least twelve months and worked at least 1,250 hours during the previous twelve months. The leave may be paid (coordinated with the County's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Additional time away from the job beyond the 12-week period may be approved in accordance with the County's Leave Without Pay policy. Employees may be required to exhaust eligible paid leave before going on a leave without pay status.

FMLA leave may be taken for the following reasons:

- 1) to care for the employee's child after birth or placement for adoption or foster care;
- 2) to care for the employee's spouse, child or parent who has a serious health condition; or
- 3) for a serious health condition that makes the employee unable to perform the employee's job.
- 4) for qualifying military exigencies arising from the fact the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call to active duty as a member of the Armed Forces including the National Guard or Reserves in support of a contingency operation as defined in Section 101 (a) (13) of Title 10, United States Code.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the County and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee may then use paid vacation for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head or County Manager. The County may also designate qualified leave as FMLA Leave by notifying the employee of such action.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

In order to qualify for leave under this law, the County requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Director.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave without Pay policy. If an employee is out due to a personal illness, a return to work note is necessary.

If the employee fails to return from FMLA leave at the end of the twelve (12) week period, the non-return will be deemed a voluntary resignation without notice.

### **Intermittent or Reduced Leave**

If an employee qualifies, an employee may take intermittent or reduced schedule leave for his/her own serious health condition or to care for a spouse, parent, son or daughter with a serious health condition. Intermittent or reduced leave may also be taken to care for a covered service member with a serious injury or illness, or for a qualifying military exigency arising out of the active duty status or call to active duty of a covered service member. When the leave is for adoption, foster care or the birth of a child, the employee may take leave intermittently or on a reduced work schedule only with the joint approval of the employee and the Department Head, subject to approval by the Human Resources Director and County Manager. The employee must also make a reasonable effort to schedule treatments so as to not unduly disrupt county operations.

### **Section 18. Family Medical Leave and Leave without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

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

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the County's Group insurance plans at his or her own expense, subject to any regulation adopted by the County Commissioners and the regulations of the insurance carrier.

### **Release to Return to Work**

Under most circumstances, employees who return to work immediately after the expiration of FMLA leave and who do not exceed the amount of leave permitted under FMLA will be reinstated to either the same or equivalent job with equivalent pay and benefits. A physician's release (a fitness-for-duty certification) is required for the employee to return from leave, if the leave was for the employee's own serious health condition. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until medical certificate release is provided.

An employee returning from FMLA leave may be denied reinstatement altogether under the following circumstances:

The employee is unable to perform the essential functions of the job with or without a reasonable accommodation for a qualifying disability under the ADA;

The employee failed to return to work upon the expiration of approved leave without requesting a leave extension supported by documentation substantiating the need;

The position is a highly compensated position that is essential to County operations;

The employee's leave was obtained by fraud or deliberate misrepresentation.

### **Section 19. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. If the injury results in additional time away from work, the employee will be placed on worker's compensation leave and receive the worker's compensation weekly after the required waiting period. The employee may elect to take sick or vacation during the required waiting period, or may elect to go on worker's compensation leave with no pay for the required waiting period. Once an employee begins receiving worker's compensation pay, the employee will not be allowed to receive pay for vacation or sick leave in addition to worker's compensation payments. Life insurance and health benefits already provided by Camden County to an employee will continue to be provided during the period of worker's compensation leave. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by worker's compensation.

### **Section 20. Military Leave**

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a County employee, the employee shall receive partial compensation equal

to the difference in the base salary 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. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave without pay or with partial pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act, including members of the National Guard or a reserve unit. Employees who volunteer for additional duty may use vacation, compensatory time or leave without pay. If there is a compensatory balance, it should be used first for nonexempt employees.

## **Section 21. Reinstatement Following Military Service**

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

## **Section 22. Civil Leave**

After an employee provides his/her Department Head with a copy of their juror summons, civil leave will be granted to regular employees who are summoned to attend court as a juror or witness, except when involved in personal litigation.

A County employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the County any witness fees awarded by that court for court appearances in connection with official duties. Employees must turn over to the County any travel allowance awarded by that court for court appearances when traveling in a county vehicle or transportation wholly or partially provided at county expense. While on civil leave, benefits and leave shall accrue as though on regular duty.

With the discretionary approval of their respective Department Head or direct supervisor, volunteers involved in fire or rescue organizations may be allowed to take appropriate time to respond to emergency calls, but shall return to work as quickly as possible. Use of County vehicles is prohibited in responding to such calls unless circumstances surrounding the response would make it reasonable to do so. **All** Volunteer Fire/Rescue Civil Leave responses should be thoroughly documented on a Camden County Civil Leave Form. One copy should be submitted to the individual's Department Head and one copy should be submitted to the Safety Committee within 24 hours of the Civil Leave."

All instances of Civil Leave as defined in Subsections A and B should be accurately annotated as such on individual time sheets.

### **Section 23. Parental School Leave**

A County employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the County;
- 2) The County may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The County may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the County.

### **Section 24. Adverse Weather Conditions**

County offices and departments shall remain open for the full scheduled work day unless authorization for early closing or other deviation is received from the County Manager or his designate. Employees scheduled to work during an authorized official closing will be given full credit for all their work hours scheduled but missed during the period covered by the authorized official closing or other deviation.

Employees who leave work before an official early closing time, as well as those employees who report to work late or who do not report to work at all, will be required to use earned vacation for this unauthorized missed time. Also, any employee who has leave time approved prior to the issuance of an authorized early closing or other deviation will be required to honor the approved leave time.

The County Manager or his designate may authorize the closing or deviation for all or part of the County offices. Any closing or deviation shall be applicable uniformly to all County offices unless otherwise specified in the announcement from the County Manager or his designate. The County Manager or his designate may authorize closings or deviations different for one office or department than for other offices or departments. Depending on the nature of the adverse weather, the County Manager may designate certain County employee's essential and request that they report to work as directed. Those employees will be issued compensatory time at a rate of hour for hour. Modified work schedules do not apply to public safety employees, i.e. Sheriff's Department.

### **Section 25. Shared Leave – Voluntary Shared Leave**

#### **A. Purpose**

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave, and therefore, be placed on leave without pay. Such employees forced to go on leave without pay could be without income during one of the most critical points in their lives. It is recognized that fellow employees may wish to voluntarily donate some of their accumulated vacation leave so as to provide assistance to other Camden County employees. This program intends to provide an opportunity for employees to assist another affected by a medical condition that requires absence from work for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

## **B. Policy**

In cases of a prolonged medical condition, an employee may apply or be nominated to become a recipient of leave transferred from the vacation leave accounts of unrelated employees working for Camden County or from the sick or vacation account of an immediate family member who works for Camden County. For purposes of this program, medical condition means the medical condition of an employee or their spouse, parents, children or other dependents, including step and in-law relationships that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months, the County may make an exception to the 20-day period.

## **C. General Guidelines**

- 1) Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.
- 2) This Policy does not apply to employees on worker's compensation leave.
- 3) Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave must sign a release form and cannot receive remuneration for leave donated. All donations must be done on a voluntary basis. Solicitation on the part of Department Heads or supervisors is prohibited. No employee shall directly or indirectly intimidate, threaten or coerce any other employee for the purpose of interfering with any right an employee may have in donating, receiving or using annual leave under this program. Such action by any employee will result in disciplinary action up to and including dismissal on the basis of personal conduct.
- 4) The Privacy Act makes medical information confidential; therefore, prior to making the employee's status public for the purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
- 5) A committee composed of Human Resources, the Department Head of the recipient employee, and one other randomly selected Department Head will make the final decision concerning eligibility to participate in the program. Participation in this program shall be based on the applicant's and donor's past compliance with leave rules.

## **D. Eligibility Application**

- 1) Applicant must be a regular, full or part-time employee who has completed his/her applicable introductory period.
- 2) At the time of the request, applicant must have exhausted all sick, annual and compensatory leave; all leave balances must be zero.
- 3) Application should include name, social security number, department name, position title and a doctor's statement describing the medical condition and estimated length of time needed to participate in the program.

- 4) Applicant shall apply to the Department Head who shall forward the application to Human Resources. After randomly selecting a third member for the review committee, the three-member committee will meet to review the merits of the request as well as the employee's past leave history and will make a decision concerning the applicant's eligibility to participate in the program. An employee may not file a grievance nor an employee appeal if his/her request to receive or to donate leave is denied.

#### **E. Recipient Guidelines**

- 1) Participation in this program is limited to 1,040 hours (prorated if part-time), either continuously or, if for the same condition, on a recurring basis. The County Manager may, however, grant employee continuation in the program, month by month, for a maximum of 2,080 hours if the employee would otherwise have been granted leave without pay.
- 2) Subject to the maximum of 1,040 hours, the number of hours leave an employee can receive is limited to the projected recovery or treatment period. All donated leave will be credited to the recipient's sick leave account.
- 3) At the expiration of the medical condition any unused leave in the recipient's donated leave account shall be treated as follows:
  - a. The recipient's sick leave account balance shall be limited to a total of forty (40) hours.
  - 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.
- 4) If a recipient separates due to resignation, death or retirement from Camden County, his/her participation in the program will end. Donated leave shall be returned to the donor(s) on a pro rata basis.

#### **F. Donor Guidelines**

- 1) A non-family member donor may contribute only vacation leave to another employee.
- 2) A family member who is a County employee may contribute vacation or sick leave to another immediate family member who is a County employee. Immediate family is defined as spouse, parents, children, brother, sister, grandparents and grandchildren, great grandparents and great grandchildren. Also included are the step, half and in-law relationships.
- 3) The minimum amount to be donated is four (4) hours.
- 4) An employee family member donating sick leave to a qualified family member under this program may donate up to a maximum of 1,040 hours but may not reduce their own sick leave balance below forty (40) hours.
- 5) The maximum amount of vacation leave allowed to be donated by one individual can be no more than the amount he/she could earn in one year; however, the amount donated may not reduce the donor's vacation leave balance below one-half of the amount he/she could earn in one year.

- 6) All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.
- 7) Once a donation is made it cannot be retracted by the donor.

## **ARTICLE IX. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separations**

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

### **Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the Department Head, Human Resource Director and approval by the County Manager.

Once notice has been given, employees are not eligible for leave unless approved by the Department Head. Any sick leave requested must be substantiated by a doctor's note. The separating employee shall contact Human Resources as soon as notice is given to schedule an exit interview and discuss benefit closures.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is considered to be a voluntary resignation.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification of comparable documentation.

### **Section 3. Reduction in Force.**

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

### **Section 4. Disability**

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the County. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head, Human Resource Director and County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice.

## **Section 5. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

## **Section 6. Death**

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

## **Section 7. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of Article X. Employees who are involuntarily terminated will be paid through their termination date.

## **Section 8. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the Human Resource Director and the County Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

## **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the appointing authority, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

# **ARTICLE X. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT**

## **Section 1. Disciplinary Action for Unsatisfactory Job Performance**

A regular employee may be placed on disciplinary suspension (without pay), demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Human Resource Director and the County Manager or hiring authority prior to giving final notice to the employee.

## **Section 2. Unsatisfactory Job Performance Defined**

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of County property or equipment;

- 3) Discourteous treatment of the public or other employees;
- 4) Absence without approved leave;
- 5) Repeated improper use of leave privileges;
- 6) Habitual pattern of failure to report for duty at the assigned time and place;
- 7) Failure to complete work within time frames established in work plan or work standards; or
- 8) Failure to meet work standards over a period of time.
- 9) Failure to maintain credentials and certifications required for a position.

### **Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible to discuss specific performance problems. A brief summary of performance-based issues should be noted in the employee's file with a written warning from the supervisor before disciplinary action resulting in dismissal is taken by the County Manager or appointing authority. A copy of all warnings should be sent to the Human Resources Office to be included in the employee's personnel file and the disciplinary warning issued will become part of the employee's personnel file and will remain active for twelve (12) months unless extended in writing or unless a second warning occurs during the twelve (12) month timeframe. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following disciplinary steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Department Head, Human Resource Director, and County Manager or Hiring Authority for disciplinary action such as suspension, demotion, or dismissal.

Suspensions should not normally exceed three days for nonexempt employees. For exempt employees, suspensions should normally be for one week to retain the exempt status of the employee.

### **Section 4. Disciplinary Action for Detrimental Personal Conduct**

With the approval of the Department Head, Human Resource Director, and County Manager or Hiring Authority, an employee may be placed on disciplinary suspension (without pay), demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to County service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Disciplinary suspension should not normally exceed three days for nonexempt employees and should be one full week for exempt employees as prescribed by the FLSA.

## **Section 5. Detrimental Personal Conduct Defined**

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud or theft;
- 2) Commission of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of County funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or servicing a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this policy; or
- 13) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

## **Section 6. Pre-Dismissal Conference.**

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the County Manager or Hiring authority, the Human Resource Director or a Department Head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the County Manager or Hiring Authority, Human Resource Director or Department Head. The County Manager or Hiring Authority, Human Resource Director or Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the County's grievance procedure.

## **Section 7. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the supervisor, be in the best interest of the County, the Department Head, with

the approval of the Human Resource Director and the County Manager or Hiring Authority, may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the County may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

## **ARTICLE XI. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

### **Section 1. Policy**

It is the policy of the County to provide a just and prompt procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

### **Section 2. Grievance Defined**

A grievance is a written complaint or dispute concerning the interpretation or application of County policies, procedures, or practices affecting County working conditions. A grievance may involve alleged safety or health hazards; unsatisfactory physical facilities, surroundings, materials or equipment; unfair or discriminatory supervisory or disciplinary practices, misapplication of department work rules, or any other grievance relating to conditions of employment.

### **Section 3. Purposes of the Grievance Procedure**

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and

- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

#### **Section 4. Procedure**

Unless specifically provided for in another part of the personnel policies, this grievance procedure will be used for any complaints or disputes arising from these policies. When an employee has a claim or complaint concerning employment with the County, the successive steps described below are to be taken toward resolution of the matter. For employees of the Sheriff's Department or Register of Deeds Office, there shall be no appeal beyond the decision of the Sheriff or Register of Deeds.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned. Failure on the part of the employee to satisfy the time limitations provided in this Article shall cause the grievance to be denied or dismissed.

Employees who use this procedure will be free from discrimination, coercion, restraint or reprisal. Employees may file grievances or appeal decisions using the procedures listed below. Employees shall be allowed a one (1) hour paid absence from regular duties for preparing a grievance. An employee shall have the right of legal counsel at the employee's expense. Advisory services pertaining to procedures and regulations are available from the Human Resources Director and may be used by the employee, the supervisor or Department Head to settle grievances and complaints at any level.

In order that all employees may be able to obtain further consideration of their problems, it is essential that two-way communication occur, and the supervisor shall make every effort to resolve the problem or correct the misunderstanding prior to the grievance procedure being initiated.

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome.

**Step 1.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The written grievance must be received by the supervisor within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within five calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.+

The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

**Step 2.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head within five calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five calendar days after receipt of the appeal.

**Step 3.** (For general County employees only) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager within five calendar days after receipt of the response from Step 2. The County Manager shall address the appeal, and in the Manager's discretion, may meet with the employee to discuss the grievance, but in any event shall make a decision on the grievance within ten calendar days of the appeal.

(For employees only in the Social Services Department) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory only and the Department Head shall have the final decision. Discrimination cases may be appealed directly to the OAH.

**Step 4.** If the grievance is not resolved to their satisfaction, the employee may appeal in writing, to Human Resources requesting their grievance to be referred to the Board of Commissioners. This process should be utilized especially in cases where the employee's grievance concerns actions or alleged actions of the County Manager. The appeal shall be heard at the next regularly scheduled meeting of the Board of Commissioners if practical, but in no event more than 15 days after notice of appeal is received by Human Resources. In such cases the Special Grievance Committee's report shall be final.

**Special Note:** The Sheriff and Register of Deeds, as Elected Officials shall carry out the responsibilities above assigned to the County Manager in their respective departments. Further, any such decision by the Sheriff or Register of Deeds shall be final and employees of those departments shall have no further administrative remedy.

Once the employee has exhausted all administrative remedies contained herein, the employee may utilize the North Carolina General Court of Justice to such extent is allowed by law.

## **Section 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

- 1) To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- 2) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- 3) To give notices to parties concerning timetables of the process, etc.;

- 4) To assist employees and supervisors in drafting statements; and
- 5) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- 6) To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

#### **Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Human Resource Director and the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

### **ARTICLE XII. PERSONNEL RECORDS AND REPORTS**

#### **Section 1. Public Information**

In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information 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 County may adopt. The Human Resource Director, or his/her designate, shall be the sole employee who shall receive requests under this Section and who shall provide any information as required.

The person requesting information under this Section shall make such request in writing to the Human Resource Director and shall provide his name and the purpose for such request. The Human Resource Director shall provide that information to the employee about whom the request is made along with one copy of any document given the person making the request.

#### **Section 2. Access to Confidential Records**

All information contained in a County employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her 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 the patient.

- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) 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 County Manager to be necessary and essential to the pursuit 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 the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian 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.
- 7) The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

The County Board shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

### **Section 3. Personnel Actions**

The Human Resources Director, with the approval of the County Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Any documents not contained in these files or maintained as designated by the Human Resources Director are not an official part of the personnel file.

### **Section 4. Records of Former Employees**

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

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

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

**Section 6. Penalties for Permitting Access to Confidential Records**

Section 153A-98 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

**Section 7. Examining and/or Copying Confidential Material without Authorization**

Section 153A-98 of the General Statutes of North Carolina provides that any person, not specifically authorized 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 misdemeanor and upon conviction shall be fined consistent with the General Statutes.

**Section 8. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5 (b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

**ARTICLE XIII. IMPLEMENTATION OF POLICIES**

**Section 1. Conflicting Policies Repealed**

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

**Section 2. Separability**

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

**Section 3. Effective Date**

These policies shall become effective on the date approved by the Board of Commissioners.

**Section 4. Administrative Modifications to Comply with Federal or State Changes in Labor and Employment Laws and Regulations**

The County Manager may amend provisions of the Camden County Employee Personnel Policies manual where Modification is necessary to remain in compliance with federal or state laws and regulations. All other modifications Shall be made by resolution of the Camden County Board of Commissioners.

## **Electronic Communications Policy**

**BY VIRTUE OF THIS POLICY, ALL SYSTEM USERS ACKNOWLEDGE THE PUBLIC NATURE OF ELECTRONIC COMMUNICATIONS AND UNDERSTAND THAT THE COUNTY HAS THE RIGHT TO INSPECT AND REVIEW SUCH COMMUNICATIONS.**

### **Section 1. Purpose**

This policy covers the use of all technology resources belonging to the County of Camden. It includes, but is not limited to pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems. E-mail systems, network resources, and Internet resources (Communications Systems). The County provides technology resources to enable County employees to provide timely and efficient services. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Failure to adhere to this policy places the County and the individual at risk for legal and financial liabilities, potential embarrassment, and other consequences.

### **Section 2. Administration**

Each Department Head shall become thoroughly familiar with the requirements outlined in this policy and to administer this policy consistently within the department and with other departments. The Department Head shall explain this policy within that department and see that it is fully implemented. It is the Department Head's responsibility to ensure their department's users abide by the requirements and guidelines set forth in this and any related documents. Department Heads and Systems Administrator (Finance Director or his designee) has the authority to inspect the contents of any equipment, files, or mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to investigation of network slowdown; system hardware or software problems including software license compliance, general system failure, litigation or potential litigation; reasonable suspicion of a crime or violation of policy; or a need to perform work or provide a service when an employee is not available. All communication system users acknowledge their consent that the County may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or discretionary purpose. The County may utilize monitoring software to administer this policy.

### **Section 3. Public Nature of Electronic Communication**

Electronic communication is a public record like any other public document. Users must understand that any communications created, received, or backed up on the County system may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of incorrectly, as personal and private. Electronic communications may be searched for evidence in any legal proceeding.

### **Section 4. E-mail/Internet**

Use of the Communications Systems by employees for personal use must be restricted to occasional use that does not interfere with the conduct of County business. Personal use should be limited to personal time (breaks after hours) and personal use of the Internet and e-mail on County time must be kept to a minimum. Supervisors are expected to monitor the extent of personal use of these assets during regular working hours.

Any business or personal use of the Internet or e-mail by a County employee shall clearly and accurately identify the employee. (This excludes law enforcement) Anonymous or pseudonymous use is prohibited.

E-mail is considered an official form of communication between departments and between employees. Computer users are required to check for the receipt of e-mail messages each working day.

The following uses of the County's Communications Systems are strictly prohibited:

- a. Use of the Communications Systems to send chain letters.
- b. Use of the Communications Systems to knowingly send copies of documents in violation of copyright laws.
- c. Use of the Communications Systems to compromise the integrity of the County and its business in any way.
- d. Use of the Communications Systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the operation of the County.
- e. Use of the Communications Systems to send messages that violate any policy of the County including the County's Policy Against Harassment, such messages include, but are not limited to, messages that contain sexual implications, racial slurs, or other comments that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.
- f. Use of the Communications Systems for the advertisement of personal business.
- g. Intentionally viewing, downloading, and/or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials, or messages that abuse or belittle any person, group, or classification of individuals is strictly prohibited.
- h. Use of the Communication System to distribute personnel information unless it is an authorized Human Resource function that includes but is not limited to salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related information.
- i. Installation of software without prior authorization from the Systems Administrator.
- j. Employees shall not permit unauthorized persons to use the County's Electronic Communication System
- k. Purchases made by purchase orders must have prior approval of the County Manager.
- l. Installation of Software by third-party software vendors unless authorized by the Systems Administrator.

## **Section 5. Security**

All electronic communications are the property of the County, are subject to monitoring, and therefore not considered private. The County will disclose any electronic mail message as required by appropriate law or regulation. The County shall promptly access electronic communication data:

When a user leaves the employ of the County for any reason. User's mail will be accessed for the purpose of saving those messages that pertain to County business, these files may be subject to transfer to another user if necessary to conduct County business. The employee's County e-mail service will be discontinued.

When necessary to investigate a possible violation of a County policy or a breach of the security of the Communications Systems.

In the event, there is reasonable suspicion a user has committed or is committing any crime.

## **Section 6.      Telephones**

The telephone system is intended primarily to accomplish the work of the County. Providing services to internal and external customers is always the first priority. Personal use should be limited in accordance with the provisions of Internet and e-mail use.

The County will deem personal use excessive if it prevents the employee from handling customer inquiries, complaints, and requests for service in a timely manner or if it interferes with employees accomplishing their job responsibilities. All personal toll calls are to be reimbursed to the County.

## **Section 7.      Printers, Copiers, and Faxes**

Photocopy machines, printers, and fax machines shall be used for the transaction of County business. Any personal use must be pre-approved by the Department Head. Unauthorized copying of copyrighted material is strictly prohibited.

## **Section 8.      Violations**

It is the user's responsibility to read and abide by topics set forth in this document. If any employee violates any of the provisions of this policy, or a supervisor or department head who knowingly permits a violation of this policy, the employee, supervisor or Department Head will be subject to disciplinary action up to and including dismissal, as provided in the Personnel Policy.

## **Drug and Alcohol Testing Policy**

**Alcohol/Substance Abuse:** Consists of any use of illegal drugs or controlled prescription drugs obtained unlawfully; or excessive use of lawfully obtained prescription drugs or over-the-counter drugs or alcohol when such use substantially impairs job performance, alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.

### **Section 1. Purpose and Scope of Policy**

- A. The purpose of this policy is to maintain a drug- and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs.
- B. Employees with substance-abuse problems are encouraged to voluntarily seek help from the employee assistance program. However, employees who fail drug or alcohol tests may be disciplined, up to and including termination.
- C. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County of Camden will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. The County of Camden will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- D. Participation in a counseling, treatment, or rehabilitation program for drug and/or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the County of Camden of being a drug user/abuser or alcohol abuser.
- E. This policy shall not apply to applicants and appointees to county boards and commissions, elected officers, i.e. the Sheriff, Register of Deeds, and Clerk of Court or their employees. It shall apply to appointed officers such as the County Manager, County Attorney, Tax Administrator, Finance Officer, and Clerk to the Board.

### **Section 2. Drug and Alcohol Tests Required by the United States**

#### **Department of Transportation**

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

**Drug Testing.** All individuals who receive a conditional offer of employment with the County ("offerees") will be required to successfully complete a test for illegal drugs before they will be allowed to start work. This applies to any individual who may be required to drive on any occasion for work-related duties. Current employees of the County

may be subject to drug tests on a random basis, and to drug or alcohol tests for reasonable cause, and/or post-accident, as specified below.

**Confidentiality.** All information involving medical examination, drug or alcohol test results, or rehabilitation and treatment of an individual employee or offeree, shall be treated as confidential medical information and maintained in a separate medical file. No data concerning this information or participation in any rehabilitation program will be made part of the employee's personnel file. Such information concerning the employee may be disclosed only to those with a legitimate need to know the information. It will not be provided to any other party without the written consent of the employee except pursuant to legal procedure or process.

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

**Legal Drugs.** If an employee is taking legal medications (either prescription or over-the-counter) that may affect his or her ability to perform the job safely, the employee must disclose this information to the Director of Human Resources, so that the County can determine what action to take. Appropriate actions may include reasonable accommodation, temporary transfer to another position (if available and appropriate), permanent transfer to another position (if available and appropriate, and if the employee expects to be on the medication indefinitely), or sick/medical leave until the employee is no longer taking the medication. The Director of Human Resources may require documentation of the prescription or over-the-counter purchase, information about the effects of the drug, and information from the employee's health care provider about the effect of the medication on the individual employee and possible job-related accommodations. Failure to disclose a legal medication that may affect safe performance of the job can result in disciplinary action, up to and including termination of employment.

**Pre-placement.** Before a covered employee initially performs safety-sensitive functions for the County of Camden, he or she must undergo testing for drugs. Covered applicants for employment or current covered employees transferring into position that requires testing must pass a pre-placement drug test.

**Post-Accident.** Post-accident testing must be conducted on any driver or any other safety-sensitive employee not in the vehicle (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation and an individual suffers a bodily injury an immediately receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed.

**Reasonable Cause.** Any employee who appears to be under the influence of drugs or alcohol may be required to submit to drug or alcohol screening. Employees who are involved in an accident will also be required to submit to drug or alcohol screening if the County Director of Human Resources, in consultation with the employee's Department Manager and relevant safety management, determines that there is reason to believe that the employee's acts or omissions may have contributed to the accident. Some of the objective criteria that will trigger a post-accident test include: fatalities; injuries that require anyone to be removed from the scene for medical care;

damage to vehicles or property above a specified monetary amount (the respective deductible). The post-accident test must be conducted within twelve hours of the accident.

**Reasonable Suspicion.** A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has misused alcohol as defined in this Policy. Reasonable-suspicion testing is authorized only if the required observations are made by a trained supervisor or official of the locality where the covered employee is on duty.

**Refusal to Test.** Any unjustified refusal to undergo substance abuse testing as requested by the County is considered dishonesty or insubordination, and will result in immediate withdrawal of an offer of employment (if the individual is an offeree) or immediate discharge (if the individual is a current employee), without the opportunity to attempt rehabilitation. An adulteration includes, but is not limited to, substitution of another person's urine or blood for that of the individual being tested, excessive "diluteness" of a urine sample without a proper medical excuse, or any other deliberate action that could have the effect of preventing an accurate test. A "refusal to test" includes adulteration as well as simply failing to appear for the scheduled testing, unduly delaying the testing, or failing to provide a urine or blood sample, without a legitimate excuse.

**Return to Duty.** An employee who has a positive breath alcohol test of 0.04 or greater will not be allowed to return to duty in the performance of a safety-sensitive function until he or she has been evaluated by a substance abuse professional and until he or she tests negative-less than 0.02-on a return-to-duty alcohol test.

### **Section 3. Drug and Alcohol Abuse and Testing Policy for all Employees**

The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.

The manufacture, distribution, dispensation, possession, storage, purchase or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.

Employees who are terminated as a result of a violation of this Policy shall be referred to the employee assistance program for evaluation and further counseling or treatment by a substance abuse professional.

An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred-eighty-day performance probation, and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return to subject to all other return-to-work provisions as outlined in this Policy. Refusal to comply with the rehabilitation program prescribed by the substance abuse professional will result in termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the human resources department. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.

No safety-sensitive employee shall use alcohol within twelve hours before going on duty or operating, or having physical control of, a commercial motor vehicle or transit service vehicle.

No employee shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration of 0.04 or greater. An employee reports to work and whose breath alcohol test indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.

When there is reasonable suspicion (see Section 8, Definitions) that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the employee shall receive appropriated discipline as outlined in this Policy.

A reasonable-suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion or following the accident. If the test is not administered within two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted with the eight-hour time frame, the following should occur:

No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or

Twenty-four hours have elapsed following the determination of reasonable suspicion. No employee may refuse to submit to an alcohol test as required by the regulations.

A written record shall be made of the observations leading to a reasonable suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

A post-accident drug test shall be administered within thirty-two hours following the accident. If the Drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug test required by the regulations. No safety-sensitive employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.

An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test. The employee shall be removed from duty without pay for this twenty-four-hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.

Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Selected employees will be transported to the designated testing location. Random testing for drugs and alcohol shall be conducted at the rate mandated by DOT or county policy.

A drug and alcohol test will be included as part of the promotion/demotion/transfer/selection process for employees determined to be final candidates for positions requiring a commercial driver's license for positions requiring a physical examination and for positions that are safety sensitive.

An employee who tests positive for alcohol must submit to a return-to-duty breath alcohol test before resuming

the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02. A return-to-duty breath alcohol test result of 0.04 or greater will be considered as the second positive alcohol test within a five-year period and will result in termination.

An employee who refuses to submit to, or fails to follow through with, a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the human resources department.

If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide an adequate amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the County of Camden addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to management for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident. The human resources department will be consulted prior to such discipline being imposed.

S. The medical review officer will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.

T. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Those employees covered by DOT guidelines must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. A follow-up breath alcohol test result of 0.04 or greater will result in termination. A follow-up breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay. A second such occurrence of a follow-up breath alcohol test result of 0.02-0.039 within the prescribed sixty-month period will result in termination.

U. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty; the employee must notify his or her department head of the conviction within five days after such conviction. (NOTE: This is a requirement of the Drug-Free Workplace Act.) Failure to comply with this requirement will result in termination.

#### **Section 4. Applicant Testing**

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

Applicants determined to be final candidates for positions requiring a commercial driver's license or positions designated as safety-sensitive by DOT guidelines will also be required to submit to an alcohol screening. The applicant must have a breath alcohol test result of less than 0.04 to be considered for employment.

Applicants for temporary positions requiring a commercial driver's license, or positions designated as safety-sensitive by DOT guidelines, will be required to submit to a drug and alcohol screening.

It is strongly recommended that applicants for temporary positions designated as safety sensitive be required to submit to a drug screen.

Candidates for other temporary positions should be required to submit to a drug screen if the department determines that the nature of the job and the length of the assignment justifies a test.

An applicant will have four hours to provide an acceptable urine specimen. An applicant who refuses to submit to, or fails to follow through with, the drug test as required, will not be considered for employment for a two-year period.

An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test and then will be considered only when (1) such applicant provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse or rehabilitation program and (2) such applicant passes a pre-placement drug and/or alcohol test.

Any applicant covered by the provisions of the DOT alcohol-and drug-testing guidelines whose breath alcohol test result indicates an alcohol concentration of 0.02-0.039 will not be considered for employment for a two-year period following administration of the test.

Applicants having completed a drug or alcohol rehabilitation program within two years prior to their employment with the County of Camden will be required to certify that they have successfully completed the program before they can be hired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

#### **Section 5. Compliance with Law**

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

Searches and seizures are to be conducted in a legal manner. The County of Camden reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances.

## **Section 6. Supervisory Responsibilities**

Every supervisor shall:

Consistently apply this Policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.

Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.

Ensure that employees he or she supervises are aware of the requirements and consequences of this Policy.

Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home—either by personal family/friends or by arranged transportation.

## **Section 7. Employee Responsibilities**

Every employee shall:

Abide by this Policy as a condition of employment.

Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.

Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on “on call” status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee’s responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered AWOL if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.

Submit immediately to a drug or alcohol test when requested by his or her supervisor.

Notify his or her department head, if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction, as required by the Drug-Free Workplace Act.

## **Section 8. Definitions**

**Accident** means an occurrence involving a commercial motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Alcohol test** means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

**Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of federal or state criminal drug statutes.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

**Drug test and drug screening** means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee.

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids
- Cocaine
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene
- Other drugs that may be determined to reduce work efficiency

**Medical Review Officer** is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**On call** means being subject to a call to report immediately to work for the County of Camden.

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

**Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the County of Camden; all positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

**Positive**, with respect to the results of an alcohol test, means the presence of alcohol in the employee's system at the 0.04 level or greater.

**Negative**, with respect to the result of a drug test, means a test result that does not show the presence of drugs at a level specified to be a positive test.

**Negative**, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

**Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

**Canceled**, with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

**Random testing** is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

**Reasonable suspicion** exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators or probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- Slurred speech
- The odor of marijuana or alcohol about the person
- Inability to walk a straight line
- An accident resulting in damage to property or personal injury
- Physical altercation
- Verbal altercation
- Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- Possession of drugs
- Verifiable information obtained from other employees based on their observations
- Arrests, citations, and deferred prosecutions associated with drugs or alcohol

**Unannounced follow-up testing** is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

**Pre-placement testing** is testing conducted on a current county employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

**Safety-sensitive** position means:

A position will be designated safety sensitive only where the County of Camden has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by such a great risk of injury

to other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

Examples of these positions include:

Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).

Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.

Positions including but not limited to Public Works employees and county employees who routinely drive county vehicles or other activities which involve either public safety or safety concerns for others.

Other positions as determined on a case-by-case basis.

The following includes activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration portions or the DOT guidelines:

- Driving.
- Inspecting, servicing, or conditioning any commercial motor vehicle.
- Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.
- Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.
- Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.
- Performing driver requirements relating to accidents.
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- Operating a revenue service vehicle, including when not in revenue service.
- Operating a nonrevenue service vehicle when required to be operated by a holder of a commercial driver's license.
- Controlling dispatch or movement of a revenue service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security reasons.

Determination as to which positions are safety sensitive will be based on DOT guidelines or the recommendation of the department head and approval by the personnel department.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Pass a drug test** means that the result of a drug test is negative. The test either

Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or

Showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

**Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor worksites, the County of Camden's vehicles or personal vehicles (while personal vehicle is being used for the County of Camden business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

**Substance abuse professional** means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of both drug- and alcohol- related disorders.

**Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

Has a gross vehicle weight rating of 26,001 or more pounds; or

Is designed to transport 16 or more passengers, including the driver; or

Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test** for alcohol means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GM/MS) is the only authorized confirmation method for the five SAMHSA drugs.

**Refuse to submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, or (4) engages in conduct that clearly obstructs the testing process. An employee subject to the post-accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

## **Use of County Owned Vehicles or Motorized Equipment Policy**

### **Section 1. Background and Purpose**

It is the policy of Camden County to provide employee access to county-owned vehicles. This policy works in conjunction with the Camden County Personnel Policy, Article VI. Conditions of Employment, Section 8. Use of County Time, Equipment, Supplies and Vehicles as found on the county's website at: [www.camdencountync.gov](http://www.camdencountync.gov) on the Human Resources page.

It is the policy of Camden County to utilize the county vehicles to provide safe transportation and decrease costs and expenses related to travel for county purposes. Employees authorized to operate County vehicles or motorized equipment must use these strictly for County business. County vehicles or motorized equipment must be kept on the county's grounds or in its facilities when not in use. Exceptions to this policy will be those vehicles used by county employees that are regularly subject to be called to duty when off duty at their permanent residence. Priority for vehicle usage will be out of town workshops and local meetings, in respective order. If any employee chooses not to use a county vehicle when it is available, travel will not be reimbursed unless prior authorization from the County Manager.

This policy establishes a clear directive on when vehicles are to be utilized by staff and the procedure which will be used in this process.

### **Section 2. Scope**

This policy covers all county employees, whether or not they are probationary, permanent, or temporary employees of the county.

### **Section 3. Policy**

This policy and procedure shall be followed for all county owned vehicles.

County vehicles are not personal vehicles and are not for personal use. County vehicles should be viewed as belonging to the citizens of Camden County and are assigned solely for purposes consistent with providing services to those citizens.

### **Section 4. Assignment of County Vehicles**

The assignment of County vehicles to employees is based upon job description. Department Heads who have County vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function.

### **Sheriff Staff**

Sheriff staff shall be assigned individual vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Because these positions require twenty-four (24) hour coverage, staff are allowed to drive their vehicles home at night in case of emergency situations. Use of these vehicles is addressed by their operating procedure (Policy # 2.10).

### **Public Works Staff**

Public Works staff shall be assigned vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Vehicles will remain in the parking lot at the end of the day unless the employee is required to attend overnight or out of town meetings with the exception of the Public Works Manager.

### **Building Inspections Staff**

Building Inspections staff shall be assigned vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Vehicles will remain in the parking lot at the end of the day unless the employee is required to attend overnight or out of town meetings.

### **Soil and Water Staff**

Soil and Water Staff shall be assigned vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Vehicles will remain in the parking lot at the end of the day unless the employee is required to attend overnight or out of town meetings.

### **Social Services Staff**

Social Services Staff shall be assigned vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Vehicles will remain in the parking lot at the end of the day unless the employee is required to attend overnight or out of town meetings.

### **Senior Center Staff**

Senior Center Staff shall be assigned vehicles to be used for county travel throughout the day as deemed necessary for the purpose of fulfilling their job duties. Vehicles will remain in the parking lot at the end of the day unless the employee is required to attend overnight or out of town meetings.

### **General Staff**

All other staff have access to a pool of vehicles for incidental travel and for meetings and trainings as well as overnight travel. These vehicles must be reserved and signed out for use.

### **Section 5. Procedure for Procuring Use of Pool Vehicles**

Vehicle usage will be scheduled as far in advance as possible. Scheduling will include approximate time of occupancy.

All pool vehicles will be signed out through the Permit Planning Clerk located in the Planning Department. A requesting party may ask for special consideration to use his/her personal vehicle for travel for long distance travel and be reimbursed if approved by the County Manager.

A clip board with the mileage log is kept for each vehicle and must be maintained in the vehicle when in use. The clip board, along with the key & gas card for the vehicle, shall be returned to the Permit Planning Clerk in the Planning Department at the end of each use. Beginning and ending mileage along with purpose shall be documented. Employee will be responsible for returning the clip board, key & gas card at the end of the trip.

A notation must be made on the log regarding the program that should be charged for the travel being provided.

Smoking is not permitted in County vehicles.

All trash must be removed from the vehicle after usage.

Texting while driving is prohibited. Employees should wait until they are in a safe place to pull off of the road to text. Utilize best professional judgment when making or receiving calls.

It is the responsibility of the employee using the vehicle to check the fuel level at the end of their usage. If the fuel registers less than  $\frac{3}{4}$  full per tank, employee will be responsible for securing fuel for the vehicle.

Using the fuel card for personal use will result in disciplinary action leading up to or including termination.

Please inform the Maintenance Department if vehicle needs servicing (i.e. oil change, inspection, tires) and let them also know if the vehicle needs washing and vacuuming.

Situations may occur in which the County Manager or his/her designee assigns a vehicle to someone other than an employee who had previously requested a vehicle. This will be done on a case by case situation.

#### **Section 6. Maintenance and Upkeep of Vehicles**

Maintenance department keeps a maintenance log for all General and Senior Center Vehicles. Each vehicle has reminder dates on the dash that show when the vehicle is due an oil change or inspection. Assigned vehicles to individuals in a department are responsible for maintaining their own maintenance logs and maintenance on the vehicles.

If a pool vehicle has other issues that may appear, the driver of the pool vehicle must personally contact the Maintenance Department regarding the issue that needs to be addressed. They are also to place a note on the individual travel log assigned to the vehicle for record keeping.

#### **Section 7. Fuel Maintenance**

It is the responsibility of each driver to make sure the fuel gauge is checked after use of the vehicle. If the vehicle fuel gauge registers at  $\frac{3}{4}$  tank or below, the driver is responsible for making sure the vehicle is filled up, using the fuel card issued to that car.

#### **Section 8. Authorization to Drive & Driving Record**

All employees will have a Motor Vehicle Background Check completed prior to employment.

Employees who operate county vehicles must have a valid motor vehicle license issued by the state of their current residence and be considered an insurable risk by the county's automobile liability insurance carrier.

On at least an annual basis, the county will request a copy of all employees' driver's license and may obtain from the Department of Motor Vehicles, or authorized vendor for DMV records, the driving record of every driver of county vehicles to determine his/her ability to drive safely.

Employees driving county vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.

Employees who incur parking or other fines in county vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the county is approved by the County Manager.

Employees who are issued citations for any offense while using a county vehicle must notify their supervisor and the Department Head immediately when practicable, but in no case later than 24 hours or the start of the next business day, whichever is later. Failure to provide such notice will be grounds for disciplinary action.

An employee who is assigned a county vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a county vehicle, must notify his or her supervisor and Department Head immediately when practicable; but in no case later than 24 hours or the start of the next business day, whichever is later. Failure to provide such notice will be grounds for disciplinary action.

Any motor vehicle accident while operating a county vehicle must be reported to your Supervisor and the Human Resources office immediately when practicable, but in no case later than 24 hours or the start of the next business day, whichever is later.

All accidents can be reviewed by the Safety Committee (recommendations submitted to the County Manager). Such review may result in a recommendation to the department head for disciplinary action of the employee, if such accident was a result of a violation of the county's safety policy.

A violation of an applicable traffic parking regulation, ordinance, and law may be grounds for loss of County vehicle privileges.

For employees whose job responsibilities require that they possess an active, valid driver's license, a suspension or revocation of the motor vehicle license may result in termination from employment.

## **Section 9. General Rules Defining Appropriate Use of County Owned Vehicles**

Except as otherwise noted, use of county-owned vehicles is restricted to official county business. Official county business is defined as travel to and from any function, event or location that is visited as part of the employee's official duties.

The county vehicle may be used during non-duty hours on overnight assignments away from the employee's workplace or residence when other forms of transportation are not available. Use is limited to the immediate vicinity of the assignment area with department approval.

The employee may use the county vehicle for necessary personal business when the following conditions exist:

The employee is in route between locations visited for official county business or when in route between home and the workplace; and;

The use is "de minimus" in time and value. Personal use is bound to the limits of reasonableness and to public responsibility.

County vehicles should be driven over the most economically, direct route considering exceptions due to safety needs, road conditions and traffic considerations.

### **Section 10. General Rules Governing Use of County Owned Vehicles**

County vehicles should be driven only by County employees. However, nonemployees may drive County vehicles, under the direct approval of the County Manager.

Passengers in County vehicles must be county employees or others whose presence is justified by official county business (non-county employees must fill out a form in order to be in the vehicle). No hitchhikers may be passengers in any county vehicle. Any special circumstances requiring deviation from this policy must be requested by written justification and receive advance written authority from the County Manager.

All areas of county-owned vehicles, inside and out, are open to inspection at all times by County Authority, including the employee's supervisor, Department Head, the Human Resources Director, the County Manager or a designee of the County Manager. Random inspections shall be conducted by these authorized personnel who may also be assisted by Law Enforcement. No expectation of privacy exists except for items expressly permitted.

Vehicles should contain only those items designed for use with the vehicle, items installed by the county or items assigned by the county for transportation on the vehicle. Personal items in county vehicles shall be prohibited except for items of clothing, items of general purpose used such as purses, wallets, cell phones, and office related items. County is not responsible for the loss of personal items employee had with them while operating a county vehicle.

Vehicles shall not contain items such as weapons; alcohol for consumption, non-prescribed drugs, obscene materials and other items whose possession would be deemed "Gross Personal Misconduct."

Employees are expected to keep County vehicles clean, and to report any malfunction or damage to Maintenance immediately.

Employees who are assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.

Seatbelts, shoulder harnesses and other appropriate restraint systems must be used by both the driver and passengers of County vehicles. Failure to do so constitutes a misuse of a County vehicle.

Employees may not operate County vehicles under the influence of alcohol, illegal drugs, or prescription drugs or other medications, such as over the counter medications that may interfere with effective and safe operation.

No employee may use a County vehicle for out of state use without advanced approval of the Department Head and the County Manager.

Employees shall not alter or change any operational aspect of a County vehicle. Any such alterations or changes must be approved by the Department Head.

Animals may not be transported in a County vehicle, with the exception of service animals accompanying official passengers or animals transported by Animal Control personnel and canines to assist Law Enforcement (i.e. drug dogs, etc.). Exceptions may be made for the safety of the animal or the general public.

County vehicles may be equipped with a GPS monitoring device. This device provides data on the physical location of the vehicle as a function of time. Any employee who tampers with the device, who attempts to prevent the device from functioning properly, or who attempts to affect the accuracy of the information collected, will be subject to disciplinary action, up to and including termination. The employee responsible for the County vehicle is equally accountable for preventing others from tampering with the device.

#### **Section 11. Misuse of County Vehicles and Policy Violations**

Failure to comply with any and all provisions of this policy, as specified above, or misuse of a vehicle may result in:

Denial to the employee for further use of vehicles;

Reimbursement by the employee to the County for any resultant damage or cost; and/or

Disciplinary action, up to and including termination.

#### **Section 12. Special Circumstances**

This policy is intended to provide a basic framework governing the use of County vehicles, and as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or an exemption from the provisions of this policy should contact Human Resources who will provide such clarification and with County Manager approval may authorize exceptions to the policy under mitigating circumstances.

Additional clarification may be procured through the office of the County Manager and/or the County Attorney.

**Forms:** Certain forms may be used to track the use of vehicles.

Approved this the 6<sup>th</sup> day of July, 2021.

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Ross Munro, Vice Chairman  
Camden County Board of Commissioners

ATTEST:

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Karen M. Davis  
Clerk to the Board of Commissioners