

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose

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, Board of Health, Social Services Board, Elections Board, County Home Board, and Economic Development Commission. 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. This policy is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina.

Section 2. Merit Principles

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

Section 3. Limitations

This is not a contract of employment. Any individual may voluntarily leave employment upon proper notice and may be terminated by the employer at any time for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or current employee. The contents of this policy manual are subject to change at any time at the discretion of the employer.

Section 4. Application of Policies, Plan, Rules, and Regulations

- A. This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County and Water District employees with the following exceptions.

- (1) The County Manager, County Attorney, elected officials, appointed members of the County Board and advisory boards and commissions will be exempted except in sections where specifically included.
 - (2) Employees of Public Health and Social Services, governed by the State Personnel Act, shall be subject to all articles of this policy except articles II. Classification, VIII. Separation & Disciplinary Action, and IX. Grievance Procedures.
 - (3) Employees of the North Carolina Cooperative Extension Service who are employed with the County through the Cooperative Extension Agreement shall be covered only by the Articles and Sections of this Policy which are specified in the Memorandum of Understanding Between the North Carolina Cooperative Extension Service, North Carolina State and A&T Universities and the Board of County Commissioners. (See Appendix B. Cooperative Extension Agreement)
 - (4) The Director of Elections shall be subject to all articles except articles IV. Recruitment and Selection, VIII. Separation and Disciplinary Action, and IX. Grievance Procedures.
- B. 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 Policy.
- C. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as persecution under any civil or criminal laws which have been violated.

Section 5. Responsibility of Board of County Commissioners

The Board of County Commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm

appointments when required by law. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised or repealed through the same procedure. As with new personnel policies, revisions in personnel policy are also effective upon approval by the Board, unless otherwise designated.

Section 6. Responsibility of County Manager

The County Manager shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend, and remove all County officers and employees, except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with the state statutes and other policies and procedures spelled out in other Articles spelled out in this Personnel Policy.

The County Manager shall:

- A. Recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration;
- B. Make changes as necessary to maintain an up to date and accurate position classification plan;
- C. Recommend necessary revisions to the pay plan;
- D. Determine which employees shall be subject to the overtime provisions of FLSA;
- E. 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;
- F. Perform other such duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy; and
- G. Appoint an employee to the role of Human Resources Director.

Section 7. Responsibility of the Human Resources Director

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

- A. Recommend rules and revisions to the personnel system to the County Manager for consideration;
- B. Recommend changes as necessary to maintain an up to date and accurate position classification plan;
- C. Recommend necessary revisions to the pay plan;
- D. Recommend which employees shall be subject to the overtime provisions of FLSA;
- E. Maintain a roster of all persons in the County service;
- F. 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, and changes in class title and status, position number and other such data as may be desirable or useful;
- G. 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;
- H. Develop and coordinate training and educational programs for County employees;
- I. Investigate periodically the operation and effect of the personnel provisions of this policy; and
- J. Perform such other duties as may be assigned by the County Manager not inconsistent with this Policy.

In the event there is no Human Resources Director, these duties will be assumed by the County Manager of his/her designee.

Section 8. Definitions (Listed Alphabetically)

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

Anniversary Date. The employee's most recent date of employment with Beaufort County in a position which qualifies for the retirement program.

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

Classification. A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which are assigned to the same salary grade.

Competitive Service Employee. An employee of the Department of Social Services or Department of Public Health, receiving federal grant-in-aid funds and subject to the State Personnel Act.

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

Exempt Employee. Full and part-time employees who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act. These include executive, administrative and professional staff of the County.

Full-time Employee. An employee appointed to a regularly established position, who is scheduled to work the standard work period established by the County.

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

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

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

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

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

Non-Exempt Employee. Full, part-time, and temporary employees who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked in excess of the standard work period established by the County in accordance with the guidelines in this policy.

Part-time Employee. An employee appointed to a regularly established position who is scheduled to work less than the standard work period established by the County. A part-time employee who qualifies for the retirement program, i.e. whose duties require that they work at least 1000 hours a year, shall receive the same benefits afforded a full-time employee. A part-time employee who does not qualify for the retirement program, i.e. whose duties do not require that they work at least 1000 hours a year, are paid an hourly rate and are not eligible for benefits.

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

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

Probationary Employee. An individual appointed to a regular position who has not completed the probationary period.

Probationary Period. The required period of time an employee serves before obtaining regular status when entering County service. The required probationary period will be no less than three (3) months and shall not exceed nine (9) months. At the time an employee reaches their nine (9) months they will automatically obtain regular status.

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

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

Regular Employee. An employee who has successfully completed the probationary *or* trainee period and has been approved for regular status by his/her department head (with the approval, where applicable, of the County Manager).

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

Regular Part-Time Position. A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which can be performed in less than a regular work day and/or work period.

Salary Grade. A number assigned to a salary range.

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

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

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

Salary Schedule. A sequential listing by salary grade of all the approved minimum, mid-point, and maximum salary ranges authorized by the Board of County Commissioners for various position classifications of County government.

Standard Work Periods. (See also Workweek) Standard work periods for Beaufort County employees are as follows:

<u>Category</u>	<u>Work Period</u>	<u>Standard Work Hours</u>
Law Enforcement	28 days	171 hours
Jail	28 days	171 hours
Sheriff – non- Law Enforcement	7 days	40 hours
Solid Waste	7 days	40 hours

County Home	7 days	40 hours
Inspections	7 days	40 hours
Economic Development	7 days	40 hours
Water Districts	7 days	40 hours
All Others	7 days	37.5 hours

Temporary Employee. An individual appointed to serve in a position to: (1) perform hourly work on an as needed basis, (2) complete a specific job, or (3) perform work for a definite duration, not to exceed twelve (12) months. Temporary employees are paid an hourly rate and do not receive County benefits.

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

Trainee. An employee designated as such, appointed to a position in any class for which the County Manager or the Office of State Personnel has authorized "trainee" appointments due to unique specialized training required. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class, and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.

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

Work Against Appointment. When suitable qualified applicants are unavailable, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience.

Workweek. For employees assigned a seven (7) day work period, the workweek will begin on Sunday and end on the following Saturday.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Positions in the Departments of Social Services and Public Health will be classified by the state of North Carolina in compliance with the rules and regulations under the State Personnel Act.

Section 2. Composition of the Position Classification Plan

The classification shall consist of:

- A. A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitable compensated within the same range of pay under similar working conditions;
- B. Class titles descriptive of the work of the class;
- C. Written specifications for each class of positions; and
- D. An allocation list showing the class title of each position.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- A. As a guide in recruiting and examining applicants for employment;
- B. In determining lines of promotion and in developing employee training programs;

- C. In determining salary to be paid for various types of work;
- D. In determining personnel service items in departmental budgets; and
- E. In providing uniform job terminology.

Section 4. Administration

- A. The County Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.
- B. New positions shall be established upon recommendation of the County Manager ~~with the~~ and approval of the Board of County Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.
- C. When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing job description be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

ARTICLE III. PAY PLAN

Section 1. Administration

The County Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range 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: 1) equitable compensation for all positions when considered in relation to each other, 2) comparable rates of pay for similar employment in the private and public sector in the area, 3) changes relative to the cost of living, financial conditions of the County, and other objective factors. To this end, the County Manager, assisted by the Human Resources Director, shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of County Commissioners such changes in salary ranges as are warranted.

Section 2. Salary Schedule

Beaufort County has adopted two separate salary schedules based upon the standard work hours for the unit or department as determined by the Board of County Commissioners. Salaries of employees operating on a 37.5 hour workweek will be based on Schedule A and salaries of employees operating on a 40 hour workweek or 171 hours over a 28 day work period will be based on Schedule B. The salary schedules provide a sequential listing by salary grade of all the approved minimum, mid-point, and maximum salary ranges authorized by the Board of County Commissioners for the various position classifications of County government.

Section 3. Starting Salaries

- A. Employees will normally be hired at the minimum of their assigned salary grade.
- B. Appointments above the minimum may be made with prior approval by the County Manager when deemed necessary and in the best interest of the County. Factors considered in making such an exception include: the qualifications of the applicant being substantially higher than the minimum education and training for the class; shortage of qualified

applicants; and refusal by recommended applicant to accept employment at the minimum;. Department Heads shall consider internal equity of other employees in the department when making a recommendation for employment above the Minimum Rate. Any appointment above the mid-point must be approved by the Board of County Commissioners.

- C. At the recommendation of the County Manager, the Board of County Commissioners may authorize a Special Minimum Rate for job classifications in which the County experiences significant difficulty with recruitment and/or retention of employees. In effect, this becomes the new minimum salary rate for employees hired in this class. Prior to utilizing the Special Minimum Rate, the salaries of current employees in the respective job class shall be reviewed by the Human Resources Director and County Manager and shall be adjusted at least to the Special Minimum Rate in order to maintain salary equity for the class.
- D. Elected officials, i.e. the Sheriff and Register of Deeds, shall be paid upon the beginning term of their initial election a salary equal to that paid his/her predecessor unless the Board of County Commissioners give notice of intent to reduce the compensation for the next term of either office no later than fourteen days before the last day of filing as a candidate for that office.

Section 4. Salary Provisions for Trainee and Work Against Appointments

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 to a “trainee” or “work against” status. Employees subject to the State Personnel Act will be designated "Trainees" or “Work Against” in accordance with rules and regulations established by the Office of State Personnel. All other County employees shall be designated "Trainees" or “Work Against” based upon recommendations of the department head and with the approval of the County Manager. The salary for an employee in “Trainee” status shall be at least one dollar below the minimum salary for the classification. The salary for an employee in “Work Against” status shall be based on the employee’s designated classification and pay grade and in accordance with corresponding salary provisions, ie. new hire, promotion, demotion, transfer, or reclassification. Upon successful completion of the trainee or work against appointment, the employee’s salary shall be adjusted at least to the minimum salary rate for the job class.

Section 5. Pay Rates in Promotion, Demotion, Transfer, and Reclassification

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

- A. **Promotion.** When a promotion occurs, if the employee's salary is below the new minimum, shall be increased to at least the minimum rate of the salary range assigned to the class to which he or she is promoted. Upon recommendation of the department head and at the discretion of the County Manager, a salary above the new minimum may be granted under the following provisions. The employee's salary may be adjusted to a rate within the new salary range not to exceed the same relative position in the range as his/her current salary in the current range. (See example below.) Factors which must be considered in any salary recommendation above the minimum include: (1) the employee's related training and experience; (2) the nature and magnitude of the change in jobs; (3) budget availability; (4) work unit equity; and (5) any other salary related considerations.

Examples: -An employee whose salary falls at the minimum shall be adjusted to the new minimum.

-An employee whose salary falls at the mid-point of the current salary range and whose salary falls below the minimum of the new salary range shall be adjusted at least to the new minimum, and may be adjusted further, not to exceed the mid-point of the new salary range.

-For an employee whose salary does not fall on a defined point in the salary range, i.e. minimum, mid-point, or maximum, the position of the salary within the range can be determined by dividing the employee's current salary by the minimum of the current salary range. This will determine the percent above the minimum which the employee's salary falls, to be used as a basis for salary adjustment. The position of the employee's adjusted salary within the new salary range shall not exceed

the position of the employee's salary in the current range.

- B. Lateral Transfer.** When a transfer occurs from a position in one class to a position in another class, assigned to the same salary grade, the employee's salary shall continue to be based on the same hourly rate.
- C. Demotion.** When a transfer occurs to a position assigned to a lower salary grade and the employee's current salary falls within the range of the lower class, it may remain the same or be reduced to any salary in the lower range. If the employee's current salary is above the maximum of the range for the lower class, the salary shall be reduced at least to the maximum of the lower range.
- D. Reclassification.** When a reclassification occurs and an employee's position is reclassified to a class having a higher salary grade, the employee's salary shall be increased to at least the minimum of the new salary grade. An employee's salary may be adjusted further in accordance with the same provisions outlined under Section 5.A. of this Article.

When an employee is demoted as a result of a reclassification, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range with the following exception. If an employee is demoted for cause, the employee's salary may be reduced to any rate within the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. Responsibility for the above action shall be the department head's with approval from the County Manager, or, in the case of department heads, by the Board of County Commissioners.

Section 6. Pay Rates in Salary Range Revision

When the Board of County Commissioners approves a change in salary grade for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A.** When a class of positions is assigned to a higher salary grade, any employee(s) in that class whose current salary falls below the minimum of the new salary grade will receive a pay increase to at least the minimum of

the new range. Salaries may also be adjusted in accordance with the provisions outlined under Section 5 A of this Article.

- B. When a class of positions is assigned to a lower salary grade, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary grade results in an employee being paid at a rate above the maximum of the new salary grade, the salary of the employee shall be maintained at that level until such time as the salary range is increased above the employee's current salary.

Section 7. Pay for Regular Part-Time Work

A part-time employee who qualifies for the retirement program, i.e. whose duties require that he/she work at least 1000 hours a year, shall be paid a prorated salary based on the salary schedule. A part-time employee who does not qualify for the retirement program, i.e. whose duties do not require that they work at least 1000 hours a year, shall be paid an hourly rate. Employees working in a part-time capacity with the same duties as full-time employees will be paid at a rate in the same salary range as the full-time employees.

Section 8. Pay for Temporary Work

Compensation for an employee working for the County with a temporary appointment will be computed on an hourly basis in accordance with the salary schedule.

Section 9. Progression in the Pay Grade – Pay For Performance

- A. Regular employees who qualify for the retirement program, have the opportunity to advance within their pay grade by attempting to obtain a predetermined percentage of increase by completing a performance agreement which masks the Department's goals and objectives.
- B. Employees will have the opportunity to write a performance agreement for three categories; Meets Expectations, Exceeds Expectations, and Outstanding.
- C. Employees will complete these performance agreements annually and they will be reviewed by the employees' supervisor and approved by the department head. It is the responsibility of the department head to ensure

that agreements are objective, can be proven through documentation, and match the goals of the department or unit in which the employee works within.

- D. It is the responsibility of the County Manager and the Human Resources Director to audit a random sample of agreements from each department to ensure equitable, consistent implementation of the plan. The amount of agreements audited each year shall be a percentage based on the amount of employees within each department. The percentage of audits completed will be based on the categories; 70% will be on outstanding, 20% will be on Exceeds Expectations and 10% will be on Meets Expectations.
- E. The County Manager will return any agreement to be rewritten if the objectives in the agreement do not match the category chosen and/or the outcomes are unable to be documented.
- F. The Board of County Commissioners will set the percentage of increase for each category, annually with the passage of the budget .

Section 10. Compensation for Work on a County Holiday

- A. Employees who are required to work on a County holiday shall receive holiday premium pay equal to one-half of regular straight time pay determined on an hourly basis for time worked on the holiday. (Time worked is determined by the time that an employee would have received had they been given off for the holiday – 7.5 hours for 1950 hour work year and 8 hours for 2080 hour work year).
- B. In addition, regular, probationary, and trainee employees will receive equal time off at a later date on an hour for hour basis for time worked on the holiday, not to exceed the regular number of hours allocated for the holiday. "Compensatory Time" for holiday hours worked shall be granted within three (3) months of the time it is earned. If an employee has "Compensatory Time", it must be used before sick or personal time is used. If it is not feasible to allow the time off within the three (3) month period, employees may receive monetary compensation in lieu of time off calculated at their standard hourly rate.
- C. Employees who work on a holiday due to emergency call back and temporary employees who work on a holiday shall receive holiday premium pay, but shall not receive equal time off as described in B. above.

- D. Employees will not work on any of the designated holidays except when services are essential for operation. The department head must have acquired approval from the County Manager for an employee to work on a holiday.
- E. If and when a shift does not coincide with the holiday, the time when the shift begins closest to midnight will set the hour limits of the day for the purpose of computing premium pay. For example, if shifts change at 11:00 p.m., the holiday period will begin at 11:00 p.m. the night before and end at 11:00 p.m. on the night of the holiday.

Section 11. Overtime - Non-Exempt Employees

- A. Employees of the County can be requested and may be required to work overtime hours as necessitated by the need of the County and determined by the supervisor.
- B. The County abides by all applicable sections of the Fair Labor Standards Act. This overtime policy is applicable only to employees of Beaufort County who are "Non-Exempt" under the Fair Labor Standards Act as designated by the County Manager.
- C. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during meal periods or at any time that they are not scheduled to work unless they receive approval from their supervisor, department head, or the County Manager, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- D. Based upon the provisions of the Fair Labor Standards Act, non-exempt employees work which has not been requested by management but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after regularly scheduled work hours, and it is endured or permitted, it is considered overtime hours when

in excess of the established work period, although the work had not been specifically authorized.

- E. Each employee will be required to maintain an accurate record of time worked on the timesheets provided by the Payroll Technician. Minutes should be rounded to the nearest quarter of an hour (15 minute intervals). This record must be signed by the employee and immediate supervisor. Department heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented in accordance with the established record keeping forms and instructions.
- F. Computation for overtime will include actual work hours over and above the standard work hours for a seven (7) day work period for non-law enforcement employees. The work period or workweek will begin on Sunday and end on the following Saturday. For employees on a thirty-seven and one-half (37.5) or forty (40) hour, seven (7) day work period, overtime will be considered when their standard seven (7) day work period hours are exceeded.
- G. Computation for overtime will include actual work hours over and above 171 hours for a 28 day work period for law enforcement employees (Deputies and Jailers).
- H. Time off with pay such as Sick leave, personal leave, holidays, adverse weather leave, court leave, etc. in a work period will not count toward computing actual work hours.
- I. It is the goal of Beaufort County to provide a work load that can be processed within the normal working day. Work in excess of the regular schedule is discouraged unless absolutely necessary. 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.
- J. It is the policy of Beaufort County to issue monetary compensation for overtime hours worked.
 - (1) Overtime Rates For Non-Law Enforcement Personnel - Payment will be made at the rate of one-and-one-half (1.5) times the employee's regular hourly equivalent salaried rate for those hours worked in excess of forty (40) hours per week for non-law

enforcement personnel. If the employee's standard seven (7) day work period is thirty-seven and one-half (37.5) hours, the standard equivalent hourly rate will be paid for time worked up to forty hours per week, and time worked in excess of forty hours per week will be compensated at the rate of one-and-one-half (1.5) times the employee's regular hourly equivalent salaried rate. If the employee's standard seven (7) day work period is thirty-seven and one-half (37.5) hours, the employee's regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 1,950.

Annual full-time salary / 1,950 = regular hourly rate
Overtime pay = Regular hourly rate x 1.5 x overtime hours

If the employee's standard seven (7) day work period is forty (40) hours, the employee's regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2,080.

Annual full-time salary / 2,080 = regular hourly rate
Overtime pay = Regular hourly rate x 1.5 x overtime hours

- (2) Overtime Rates For Law Enforcement Personnel - Payment will be made at the rate of one-and-one-half (1.5) times the employee's regular hourly equivalent salaried rate for those hours worked in excess of 171 hours in the 28 day work period. The employee's regular hourly equivalent salaried rate is calculated by dividing the annual full time salary by 2,080.

Annual full time salary / 2,080 = regular hourly rate.
Overtime pay = regular hourly rate x 1.5 x overtime hours.

Section 12. Overtime - Exempt Employees

- A.** Certain employees are exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees include elected officials and executive, administrative, and professional employees as designated by the County Manager or designee. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved.

- B. Exempt employees are expected to work whatever numbers of hours are required in order to accomplish their duties rather than being paid for the number of hours worked in a workweek. Exempt employees may not be paid for hours worked in excess of their regularly scheduled work period.
- C. Exempt employees who are assigned to shelter duty during an emergency situation will be paid overtime according to the same provisions for non exempt employees as described in Section 11. above.
- D. Upon the recommendation of the department head, the County Manager may authorize exempt employees to accrue compensatory time for overtime worked when special working conditions exist. If compensatory time is accrued for exempt employees, the following provisions shall apply.
 - (1) Employees approved to accrue compensatory time must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken.
 - (2) Compensatory time will be granted on an hour-for hour basis.
 - (3) Compensatory time must be taken within three (3) months from the date it is earned. If not taken within this period, compensatory time is lost.
 - (4) Compensatory time may not be transferred to a vacation or sick leave account, nor may it be transferred to another agency.
 - (5) Compensatory time is lost when an employee is separated from County service. Compensatory time may not be paid and an employee's separation date may not be moved forward in recognition of a compensatory time balance.

Section 13. On-Call and Call-Back Compensation

- A. On-call is considered to be a back-up position for an emergency situation. Individuals that are assigned to be on-call are not restricted to the employer's premises or their own residences, but must remain in their

respective response area and must keep the County Communications Center or their supervisor informed of their location and telephone number. Since the employee can use this time for his/her own purposes it should not be counted as work time.

- B. Call-back time consists of actual time spent when called back to work to handle an emergency situation. Time on call-back will begin when the employee is notified to leave his or her place of residence for travel to the work site and will end when the emergency work is completed. If the employee does not depart immediately to report for emergency call-back, the department head or supervisor shall determine a reasonable amount of time for travel that should be considered as compensable. It is the policy of Beaufort County that the employee be guaranteed compensation for a minimum of one hour for emergency call-back when they are required to leave their place of residence or other current location.
- C. There are instances where an on-call employee receives an emergency call and is able to handle the crisis without leaving his or her place of residence. In this situation, the call back time should be recorded in fifteen (15) minute intervals with a minimum of fifteen (15) minutes recorded for each telephone call received. Multiple telephone calls within a fifteen (15) minute time frame are considered one instance for purposes of compensation.
- D. An emergency is an occurrence where the employee's services are immediately required that were not previously planned or scheduled. If an emergency should occur near or at the end or beginning of scheduled work period and it is necessary that the employee remain on the job beyond the normal quitting time, this is not an emergency call-back. However, the employee should be given credit for actual time worked as a part of the total hours worked during the workweek.
- E. Employees "called back" to work outside their scheduled work hours will be compensated at the rate of time and one half their regular hourly rate.
- F. An employee who is on scheduled on-call duty and who works on a county approved holiday will also receive compensation in accordance with Section 10 of this Article for time actually worked in addition to any call-back pay.

- G. Call back time shall be recorded separate from other work time on the Emergency Call Back Time Sheet which employees must attach to their regular monthly timesheet. All call back time must be approved by the employee's supervisor.

Section 14. Adjustment to Pay

- A. If an exempt employee works less than the full pay period and has inadequate approved leave to cover the period for which the employee is absent from work, the employee's pay will be adjusted accordingly. It is the responsibility of each department head to notify the County Finance Office of such payroll adjustments.
- B. In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report this immediately following the procedures specified below.

Provisions Mandated by DOL's Salary Basis Rules

- (1) Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform no work at all for the organization.
- (2) Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by Beaufort County, regardless of the circumstances.
 - a. Jury duty.
 - b. Absences caused by the employer.
 - c. Absences caused by the operating requirements of the County.
 - d. Partial day amounts other than those specifically discussed below.
- (3) The few exceptions to the requirement to pay exempt employees on a salary basis are listed below.

- a. Absences of one or more full days for personal reasons other than sickness or disability. This only applies when exempt employees have exhausted all personal leave. Exempt employees must use available personal leave when taking time off. (This section only applies to exempt employees who have exhausted all personal leave and request additional Leave Without Pay)
- b. Absences of one or more full days due to sick leave defined in Article VI, Section 4 of this manual. As in (a) above, this will only apply when all available sick leave has been exhausted..
- c. Unpaid disciplinary suspensions of one or more full days in accordance with Beaufort County's disciplinary policy.
- d. Deductions for the first and last week of employment, when only part of the week is worked by the employee.
- e. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act

C. Complaint Procedure

1. Employees who believe their pay has been improperly reduced should notify their department head immediately to request an inquiry.
2. The employee will be asked to specify in writing, using the guidance above, the circumstances of the pay deduction and whether it has occurred on other occasions.
3. The Human Resource Director will review pay records and interview the payroll technician handling the employee's pay, to determine if the complaint is valid.
4. If the deduction was in fact improper, Beaufort County will reimburse the employee as promptly as possible, but in no case longer than two pay periods from the identification of the problem.
6. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed with the employee's pay records.

Section 15. Effective Date of Salary Changes

Personnel actions changing salary and positions will be effective on the first and 16th of the month to correlate with payroll processing.

ARTICLE IV. RECRUITMENT AND SELECTION

Section 1. Equal Employment Opportunity Policy

It is the policy of the County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

Section 2. Recruitment

- A. When position vacancies occur, the County Human Resources Director or agency official shall publicize these opportunities for employment, including applicable salary information, application procedure, employment qualifications, and statement of equal employment opportunity. All positions must have a job description on file in the County Manager's Office or in the department (Health & Social Services only) prior to beginning recruitment.
- B. Notice of vacancies shall be posted at the County Manager's Office and shall be forwarded to each County department for posting and/or circulation and submitted to the North Carolina Employment Security Commission. Information on job openings and hiring practices may also be published with the local and/or other news media, professional journals, professional organizations, etc. as necessary to create a quality and diverse pool of applicants. 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.
- C. Position vacancy announcements shall be posted for a minimum of seven (7) working days.

- D. The department head will have the option of an internal posting in which only current regular county employees will be considered. If this option is selected, the position vacancy notice will be marked ** Internal Vacancy Notice ** and will be posted in each County agency and/or department including the County Manager's Office for a minimum of seven (7) working days. If, after an internal search, the department head determines that additional applicants should be considered, the position vacancy will be *re*-posted for an additional seven (7) working days and notice will be circulated in accordance with B. and C. of this section Special Note: Due to recruitment provisions imposed by the State Personnel Act, vacant positions posted internally for the Departments of Social Services and Public Health shall only be open to current employees in the respective agency.

Section 3. Application for Employment

- A. 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.
- B. The Beaufort County Application of Employment shall be the standard application for all departments except the (Departments of Social Services and Public Health which require the State of North Carolina Application (Form PD-107). Applicants interested in employment with the Sheriff's Department, including the Jail and Communications, are also required by the Sheriff's Education and Training Standards Commission to complete a Personal History Statement (Form F-3).
- C. Applications may be accepted either at the County Manager's office, the department where the vacancy exists, or the Employment Security Commission as identified in the vacancy announcement.
- D. In order to be considered for a position vacancy, an application form indicating the specific position title must be completed and on file in the appropriate department by 5:00 pm on the closing date. An application is considered active until the position is filled or recruitment is discontinued due to budgetary or other reasons deemed necessary by the department head and/or County Manager.

- E. The application of the individual hired for the position will be forwarded to the County Manager's Office to be filed in the appropriate personnel file. Applications for individuals not hired will be destroyed two years after date of receipt, if no charge of discrimination has been filed. If a charge has been filed, the application will be destroyed in office one year after resolution of the charge.
- F. Unsolicited applications, i.e. resumes and general letters of interest, or applications for positions which are not currently being recruited, will not be accepted. Any application, resume, or general letter of inquiry which falls into this category should be returned to the sender with a brief letter indicating that County policy does not permit acceptance of unsolicited employment inquiries.

Section 4. Selection and Appointment

- A. Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection methods developed and administered by the county shall be valid measures of job performance.
- B. The Sheriff, Register of Deeds, Director of Social Services and Public Health Director shall have authority over appointments in their respective departments, with the County Manager determining the class and the salary of new employees. All other department heads shall make recommendations to the County Manager or Human Resources Director, including the position to be filled and the reasons for selecting the candidate over other candidates, before any commitment is made to an applicant either internal or external.
- C. Any special license, certification, or registration required for a position shall be verified prior to issuing an offer of employment.
- D. No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the other's employment, promotion, salary administration,

or related management or personnel considerations. (Note: Special provisions apply to elected officials, i.e. the Sheriff and Register of Deeds as stated below.)

- E. The Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage or nearer kinship than first cousin, or of a person who has been convicted of a crime involving moral turpitude.
- F. Consideration may be given to "Trainee" or "Work Against" appointments when there is an absence of suitable qualified applicants from which to make a selection. In this instance, the deficiencies may be eliminated through orientation and on-the-job training, and the employee is designated a trainee or work against by the County Manager or designee (for employees in General County Positions) or the Office of State Personnel (for employees in all positions subject to the State Personnel Act). The appointee must meet the minimum education standard of the class to which initially appointed in order to qualify for a trainee or work against appointment. When an applicant is selected to a trainee or work-against appointment to fill a vacancy for which one or more other applicants met the minimum qualifications of the full class on the basis of education and experience, documentation must be available to support the selection decision which includes findings determining other applicant(s) qualified on the basis of education and experience to be unsuitable for the position.
- G. All employment offers should be confirmed in writing.
- H. 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. These documents will become a part of the new employees' personnel file.
- I. All new hires will start employment on either the first day or the 16th of the month to correlate with payroll. All employees will be required to meet with the Payroll Specialist and Human Resources Director on this day to fill out the required paper work and go through a brief overview of the Personnel Manual. In some circumstances this employment start date will not be convenient for departments. Departments may request that these dates be waived in special circumstances.

Section 5. Probationary Period

- A. An employee appointed to a regular position shall serve a probationary period of not less than three (3) months, nor longer than nine (9) months. Six months is the normal probationary period, but it may be extended or shortened by up to three months by the department head
- B. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period with or without cause. Following successful completion of the probationary period, the employee may be dismissed as provided in Article VIII.
- C. An employee in trainee status shall be given probationary or regular status after successfully completing all education and experience requirements of the position. If the period of the trainee appointment equals or exceeds nine months, the employee must be given regular appointment status or be separated at the completion of the trainee period.
- D. An employee who has achieved regular status with the County and who transfers to another position, whether through promotion, demotion, or lateral transfer, may be required at the discretion of the appointing authority to serve a probationary period in the new position. Exception: Employees in positions which are subject to the State Personnel Act cannot be required to serve another probationary period unless there has been a break in service.
- E. Probationary employees are not eligible for promotion or transfer unless special circumstances exist and prior approval is received from the County Manager.

Section 6. Transfer

- A. If a vacancy occurs and a regular employee wishes to be considered for the position, an application must be submitted to the appointing authority

in accordance with the application procedure specified in the vacancy announcement.

- B. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy.

Section 7. Promotion

- A. Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range.
- B. Candidates for promotion shall be chosen on the basis of their qualifications.
- C. Candidates shall apply for promotions using the same application process as external candidates.
- D. First consideration for filling positions shall be given to employees already in regular service with the County.
- E. Salary recommendations shall be made in accordance with the Pay Plan policy as outlined in Article III Section 5.

Section 8. Demotion

- A. 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.
- B. A regular employee whose work is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be made in accordance with procedures in Article VIII. The employee shall be provided with written notice citing the recommended effective date of the demotion, the reasons for the demotion, and appeal rights through referral to the County's grievance policy.
- C. An employee who wishes to accept a position with less complex duties and reduced responsibilities, to change career paths, or for other reasons may request a voluntary demotion. A voluntary demotion is not a

disciplinary action and is made without using the procedures in Article VIII and IX of this policy.

Section 9. Lateral Transfer

Lateral transfer is the movement of an employee from one position to a position in a class in the same salary range. Lateral transfer may be voluntary or involuntary.

Section 10. Temporary Appointments

Temporary appointments shall be made without regard to race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Although there is no recruitment requirement for filling a position with a temporary employee, the appointee must complete an application form and meet the minimum qualifications for the position. Employment in a temporary appointment will not serve as any part of the probationary period required for a regular position.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Standard Work Period

County employees will work a standard work period determined by the department head, County Manager, and Board of County Commissioners as deemed necessary to meet operational needs. Agencies or departments will either operate on a 37.5 or 40 hour workweek or on a work cycle of 171 hours over a 28 day work period (Law Enforcement only). Employees shall be advised of their work schedule by their department head or immediate supervisor. Any deviation from the assigned work schedule must be approved by the employee's supervisor or department head. The County Manager, however, must authorize permanent schedule changes on a departmental level.

Section 2. Gifts and Favors

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

Section 3. Political Activity Restricted

- A. Every employee of Beaufort County has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and the laws of the State of North Carolina and by the Constitution and the laws of the United States of America. However, no employee of Beaufort County shall:
 - (1) Engage in any political or partisan activity while on duty;

- (2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - (3) Be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
 - (4) Coerce or compel contributions from another employee of the County for political or partisan purposes;
 - (5) Use funds, supplies, or equipment of the County for political or partisan purposes; *or*
 - (6) Be a candidate for nomination or election to the office of Beaufort County Commissioner.
- B. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.
- C. Any violation of this section may subject such employee to dismissal or other disciplinary action.

Section 4. Workplace Harassment

- A. Beaufort County prohibits any form of unlawful workplace harassment or retaliation of County employees.
- B. Definitions
- (1) Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, gender, creed, religion, national origin, age, color, or handicapping condition that creates a hostile work environment or circumstances involving quid pro quo.
 - (2) Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. A hostile work environment is determined by looking as

all circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

- (3) Quid Pro Quo harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (4) Retaliation is adverse treatment taken because of opposition to unlawful workplace harassment.

- C. Any employee who believes he or she may have a complaint of workplace harassment should 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.
- D. Employees witnessing harassment shall also report such conduct to appropriate County official.
- E. All reports of unlawful workplace harassment will be investigated.
- F. Retaliation for reporting workplace harassment or participating in an investigation is prohibited.
- G. Any employee engaged in conduct defined as workplace harassment or retaliation shall be subject to disciplinary action up to and including dismissal.

Section 5. Outside Employment

The work of the County will take precedence over other employment interests of regular employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported to the employee's department head before such work is to begin. The department head and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service. Approval of outside employment may be withdrawn at any time should such employment prove to adversely affect an employee's performance or be in conflict of interest to the County. The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

Section 6. Dual Employment Within the County

A County employee (regular or temporary) may not be simultaneously employed with more than one County agency or department unless special approval is received from the County Manager. This restriction is necessary due to the wage and hour provisions of the Fair Labor Standards Act which would require overtime compensation for non-exempt employees for all time worked in excess of 40 hours in a workweek.

Section 7. Limitation of Employment of Relatives

- A. No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising or auditing the work of the other or in one member occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations.
- B. The term "immediate family" is defined as an employee's spouse, parent, child, guardian, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- C. The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with this policy prior to its adoption.
- D. The Board of County Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of

nearer kinship than first cousin, as required by Chapter 153A-103(1) of the North Carolina General Statutes.

Section 8. Travel Expense and Reimbursement

The policy of the County is to reimburse employees traveling on authorized County business for work related expenses incurred as a result of the travel. Travel on official County business outside Beaufort County involving overnight stay or registration must be authorized by the department head, and approved by the County Manager. Authorization for travel and reimbursement of travel expenses will be in accordance with the Beaufort **County Travel Policy - Appendix A**, which may be amended from time to time by the Board of County Commissioners.

Section 9. County Property

County offices and equipment, including filing cabinets, desks, bookcases, computers, cars, etc., are for storage of official county records, supplies, and other property belonging to the County. The County reserves the right to open, inspect, and examine all equipment and workspaces at any time for legitimate business reasons, including investigating work-related misconduct. The County will not be responsible for personal items which are temporarily placed or stored on County property.

Section 10. Use of County Vehicles and Equipment

- A. Vehicles owned by the County will be provided for certain personnel for County business.
- B. County vehicles, equipment, and tools are not to be used for personal purposes.
- C. Only County employees with a valid driver's license may drive County owned vehicles. Conviction of a moving violation while operating a County vehicle is considered improper use of County property and may result in disciplinary action against the convicted employee.
- D. When not in use during normal working hours, or for other official business, all County vehicles shall be parked at the courthouse, health department, or other regularly assigned work site. The following exceptions are noted to this policy:

- (1) Animal Control Officers, on-call Water District, and Maintenance personnel may use vehicles assigned to them for home to work and work to home travel.
 - (2) The Sheriff may authorize law enforcement officers to park the vehicles assigned to them at their place of residence when not on duty.
 - (3) When an employee is occasionally required to travel on County business before or after normal working hours, the appropriate department head may authorize the employee to drive a County vehicle to the employee's home.
- E. County equipment and tools shall remain on county property at all times before and after normal working hours unless special circumstances exist and other arrangements are approved by authorized personnel.

Section 11. Internet Access

The County provides Internet access via various computers throughout the county offices. Any employee utilizing the Internet shall comply with the **County Internet Policy – Appendix F**.

ARTICLE VI. HOLIDAYS AND LEAVE

Section 1. Paid Holidays Observed

- A. The policy of the County is to follow the holiday schedule as published by the State of North Carolina each year.
- B. The following holidays shall be observed by Beaufort County offices.

- New Year's Day
 - Martin Luther King, Jr.'s Birthday
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veterans Day
 - Thanksgiving (2 days: Thanksgiving and the following Friday)
 - Christmas (2 or 3 days) **

**The number of days observed for Christmas holiday will depend upon the day of the week on which Christmas Day falls in the calendar year. When Christmas Day falls on Tuesday, Wednesday, or Thursday, the County will observe three (3) days for Christmas holiday. When Christmas Day falls on any other day of the week, two (2) days will be observed.

- C. It is recognized that the Sheriff, Jail, and Communications require a separate holiday schedule applicable to their employees working on assigned shifts in maintaining a twenty-four hour operation. This schedule will designate as holidays the specific dates of the legal observances rather than substitute weekdays when the observance occurs on Saturday or Sunday. This would be in keeping with the purpose of the holiday premium pay policy. Example: Friday and Monday will be designated as County holidays when Christmas Day falls on Saturday. However, for employees occupying positions in agencies or departments with a seven-day a week operation, Saturday and Sunday may be designated as holidays in which case, employees who work on these days will be eligible for holiday premium pay for these two days.

- D. All employees who qualify for retirement benefits shall receive these holidays with pay.
- E. Eligible part-time employees will receive holidays on the same percentage basis as their percentage of work is to full-time. Example: A part-time employee who normally works four (4) seven and one half hour (7.5) days per week is considered to have an eighty percent (.80) appointment. This employee would receive six (6) hours for each County holiday. This is calculated by multiplying 7.5 (full-time work day) by .80. In this situation, if the holiday falls on a scheduled workday, the employee would either have to make up 1.5 hours at some time during the workweek or charge 1.5 hours to personal leave. Likewise, if the holiday falls on a day that is not a scheduled workday, the employee would need to adjust the work hours in the remaining part of the week so that the total paid hours would equal the number of hours which the employee is regularly scheduled to work.
- F. Employees of the Sheriff's Department, Jail, and Communications who normally work twelve (12) hour shifts receive eight (8) hours for each designated holiday.
- G. Employees who wish to use leave for religious observances must request leave from their respective department heads. The department head will make every attempt to arrange the work schedule so that an employee may be granted personal leave for the religious observance. If an employee has accrued personal leave, such a request should not be denied unless it would create undue hardship on the agency or department or its employees.
- H. Refer to **Article III, Section 10** for the County policy for compensation when work is required on a holiday.
- I. Scheduled holidays that occur during a personal, sick or other paid leave period of any officer or employee of the County shall not be charged as personal, sick, or other paid leave.
- J. An employee separating from county employment is not entitled to any scheduled holiday occurring after the last day of work, except when the last day of the month is a holiday and the employee is in pay status through the last available workday. The last day of work is defined as the last day physically on the job.

Section 2. Personal Leave

All days of leave mentioned below will equal 7.5 hours for a 1950 hour work year and 8 hours for a 2080 hour work year.

- A. All employees who qualify for retirement shall earn personal leave on a monthly basis. Personal leave will be accrued in accordance with the following schedule of County service:

Years of Aggregate Service	Days Earned Per Month	Days Earned in One Year
Less than 1	.833	10
1 but less than 8	1	12
8 or more	1.5	18

- B. Eligible part-time employees shall accrue personal leave on the same percentage basis as their percentage of work is to full-time.
- C. Personal leave will accrue on a monthly basis and will be credited at the end of the month for which leave is earned. A new employee will earn leave for the month if the first day of work is on or before the sixteenth (16th) day of the month. An employee separating from county employment will earn leave for the month if the last day of work is on or after the fifteenth (15th) day of the month.
- D. An employee going on leave without pay will earn leave for the month if the last day of work or the last day of pay status is on or after the fifteenth (15) day of the month. An employee returning from leave without pay will earn leave for the month if the first day of work is on or before the sixteenth (16th) day of the month.
- E. Personal leave may not be taken until it has been earned and credited to the employee's account.

- F. Personal leave may be accumulated without any applicable maximum until December 31 of each calendar year. On December 31, any employee with more than thirty (30) days of accumulated leave shall have the excess accumulation converted to sick leave so that only thirty (30) days are carried forward to January 1 of the next calendar year. If the employee separates from service, payment will be made for all accumulated personal leave to the date of separation. Maximum accumulation for part-time employees will be prorated based upon their percentage of work to full-time. This converted sick leave may be used for any purpose that regular sick leave may be used. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement up to a maximum of twelve (12) total sick days per year of service.
- G. Personal leave shall be taken with the prior approval of the employee's department head or supervisor. Requests for personal leave submitted to the employee's department head, or the appropriate designated supervisor, are granted at the discretion of the department head, so as not to interfere with the department's operations. Every effort will be made to accommodate requests for personal leave. Requests may be disapproved because of workload or staffing level. Any conflicts which cannot be resolved by the supervisor or department head will be referred to the County Manager.
- H. Personal leave may be requested for periods of absence due to vacation, involvement in children's schools, adverse weather conditions, illness, and other personal reasons.
- I. Personal leave shall be taken in increments of fifteen (15) minutes.
- J. An employee separating from County service may not use personal leave after the last day of actual work.
- K. Any employee who separates in good standing and is reinstated within five (5) years may receive credit for previous service for the purpose of accruing personal leave.
- L. An employee who is separated shall be paid for all personal leave accumulated to the date of separation.

- M. The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated personal leave credited to the employee's account, not to exceed a maximum of thirty (30) days.
- N. At the request of the employee, unused accumulated personal leave may be transferred from Beaufort County to another governmental unit if the unit to which the transfer is being made will accept the leave. This includes transfers between state and local agencies. Verification must be received from the new employer indicating that transferred leave will be accepted.
- O. Beaufort County will accept up to ten (10) days (75 hours for 1950 hour work year and 80 hours for a 2080 work year) of personal leave, prorated for part-time employees, when a new employee transfers from a North Carolina government agency and/or entity who participates in the North Carolina Local Governmental Employee's Retirement System, the North Carolina Employee's and Teacher's Retirement System, and any others approved by the North Carolina State Retirement System. A new employee will be considered to have transferred from another government entity when the time period between the date of separation from the former employer and the date of employment with the County does not exceed 31 days. Written documentation from the previous employer of the availability of the leave and dates of employment are required.

Section 3. Sick Leave

All days of leave mentioned below will have the equivalent of 7.5 hours for a 1950 hour work year and 8 hours for a 2080 hour work year.

- A. Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Board of County Commissioners. An employee may be granted sick leave if the absence is due to:
 - (1) Sickness or bodily injury which may prevent an employee from performing regular duties.
 - (2) Care for an immediate family member, including spouse, parent, guardian, child, brother, sister, grandchild, and grandparent, as

well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named, in the event of sickness or bodily injury.

- (3) A reasonable amount of time for attending medical or dental appointments, whether for the employee or immediate family member as described above.
 - (4) The actual period of temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from.
 - (5) Exposure to a contagious disease when continuous work might jeopardize the health of others.
 - (6) Death in the employee's immediate family, not to exceed four (4) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the department head. Immediate family is defined as spouse, parent, guardian, child, brother, sister, grandchild, grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
 - (7) Death of other family member, not to exceed two (2) days for any one occurrence. Other family is defined as nieces, nephews, aunts, and uncles including step, in-law, and adopted relationships.
 - (8) Death of a non-family member, not to exceed four (4) hours for any one occurrence.
 - (9) Donation to a member of the employee's immediate family who qualifies for Donated Leave.
- B. All employees who qualify for retirement shall earn sick leave on a monthly basis at the rate of one (1) day per calendar month prorated for part-time employees. Day shall have a maximum value of eight (8) hours
- C. Eligible part-time employees shall accrue sick leave on the same percentage basis as their percentage of work is to full-time.
- D. Sick leave will be credited at the end of the month for which leave is earned. A new employee will earn leave for the month if the first day of

work is on or before the sixteenth (16th) day of the month. An employee separating will earn leave for the month if the last day of work is on or after the fifteenth (15th) day of the month.

- E. An employee going on leave without pay will earn leave for the month if the last day of work or the last day of pay status is on or after the fifteenth (15) day of the month. An employee returning from leave without pay will earn leave for the month if the first day of work is on or before the sixteenth (16th) day of the month.
- F. Employees must notify their supervisor of all requests for sick leave before the leave is taken or not later than thirty (30) minutes after the beginning of a scheduled working day or shift. Sick leave may be taken only with the approval of the supervisor.
- G. Paid sick leave may not be taken until it has been earned and credited to the employee's account.
- H. The employee's department head or the County Manager may require a statement from a physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period, the employee's department head or the County Manager may require a physical and/or mental examination at the County's expense and by a physician of its choice, to determine if the employee is able to resume normal duties. Abuse of sick leave may result in disciplinary action.
- I. Sick leave will be cumulative for an unlimited number of days.
- J. Sick leave shall be taken in increments of fifteen (15) minutes.
- K. When a new employee transfers to Beaufort County from another North Carolina government agency and/or entity who participates in the North Carolina Local Governmental Employee's Retirement System, the North Carolina Employee's and Teacher's Retirement System, and any others approved by the North Carolina State Retirement System unused sick leave will be accepted and transferred to the County. A new employee will be considered to have transferred from another government entity when the time period between the date of separation from the former employer and the date of employment with the County does not exceed 31 days.

Written documentation from the previous employer of accumulated sick leave and dates of employment are required.

- L. Sick Leave shall not be paid upon termination. Employees who are reemployed with the County within a period of five (5) years will have unused sick leave credits reinstated.
- M. At the request of the employee, unused accumulated sick leave may be transferred from Beaufort County to another governmental unit if the unit to which the transfer is being made will accept the leave. This includes transfers between state and local agencies. Verification must be received from the new employer indicating that transferred leave will be accepted.
- N. Unused sick leave is allowed as creditable service at time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days' unused sick leave left over.

Section 4. Leave Records

It is the responsibility of each County agency or department to maintain accurate leave records for each employee. Leave records should be updated minimally on a monthly basis. Leave records should be destroyed in office after five (5) years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, such records will be destroyed after completion of action and resolution of issues involved.

Section 5. Adverse Weather Conditions - Leave Policy

- A. In situations involving inclement weather, heavy snow storms, or other unusual circumstances or conditions affecting all or a majority of County departments and/or their operations, it is incumbent upon the department head to ensure that the department or office is opened to the public during the normal operation period, unless prior authorization to deviate from the normal schedule has been received from the County Manager's office. Department heads will be notified by the County Manager or designee as soon as possible of any authorized closing. In the event of inclement weather, the following will apply.

- B. Employees who do not report to work, leave early, or arrive late when there has been no official cancellation or delay, will be required to use personal leave for days or hours taken; or the department head may approve specific make-up times for these employees as long as the time can be made up within the same work week.
- C. Employees in departments which officially close outside of their regular schedules due to adverse weather should record adverse weather leave for the period of time during which the office was closed. Non-emergency employees who work at their regular work station during the time of an official closing will not receive pay for both work time and adverse weather leave, nor can the employee carry forward adverse weather leave that is not used during the time period when the office or department is officially closed.
- D. Employees on sick or personal leave are eligible for the adverse weather leave and will not be charged sick or personal leave for any leave time during which their department is closed due to inclement weather.
- E. Employees, including those who are normally exempt from overtime, who are assigned to shelter duty during an emergency situation will be paid overtime according to the Beaufort County Personnel Policy Article III. Section 11. Hours worked at the shelter shall be recorded as work time. Adverse weather leave shall also be recorded for the time period during which their regular workstation is closed. The department head may authorize an adjusted workweek to avoid or reduce overtime.
- F. Employees in departments that must remain open during periods of inclement weather when the majority of County departments are officially closed shall receive administrative leave to be used at a later date equivalent to the adverse weather leave received by other County employees. Administrative leave must be used within three months.
- G. Employees who are placed on Emergency Call Back duty for a department that has been officially closed will be paid according to **Article III. Section 11. J.**

Section 6. Family and Medical Leave

In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible employees of Beaufort County are entitled to paid/unpaid leave of absence up to a maximum of twelve (12) weeks during a twelve (12) month period measured forward from the date an employee's first FMLA leave begins. Leave associated with FMLA is subject to the conditions outlined below.

- A. FMLA leave may be taken for the following reasons:
 - (1) To care for the employee's child after birth provided the leave is taken within a 12 month period following birth (an expectant mother may also take leave pursuant to paragraph A4 before the birth of a child for prenatal care or if her condition makes her unable to work); or
 - (2) For the placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12 month period following adoption; or
 - (3) To care for the employee's spouse, child or parent who has a serious health condition(NOTE: "inlaws" are not included in this definition); or
 - (4) For a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position.

- B. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or a condition which requires continuing treatment by a 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.

- C. The term "eligible employee" means an employee who has been employed with Beaufort County for at least twelve (12) months and worked least 1,250 hours during the preceding twelve month period.

- D. Any period of leave of absence for a workers compensation disability that qualifies as a serious health condition under FMLA will run concurrently with FMLA leave.

- E. Employees shall use accrued paid, personal and/or sick leave concurrently with FMLA. Employees on workers compensation leave may only use

paid personal and/or sick leave during the waiting period for workers compensation payments.

- F. Employees on unpaid leave for a FMLA qualifying reason will not accrue personal and sick leave credits, nor will the employees receive paid holidays.
- G. In cases in which the need for leave is foreseeable, such as an expected birth or planned medical treatment, the employee is required to provide at least thirty (30) days notice before the date the leave is to begin. When circumstances prevent such notice, the employee must provide notice as soon as practicable.
- H. It is the responsibility of the department head to forward employee requests for FMLA leave to the County Human Resources Director or designee who will determine eligibility for coverage under this policy. A personnel action form placing the employee on FMLA leave and supporting documents must be forwarded to the County Human Resources office as soon as possible so that appropriate personnel and payroll adjustments can be made.
- I. Individual hospitalization and life insurance provided for the employee by the County during regular pay status will be provided during FMLA leave without pay. Family hospitalization and family life insurance coverage may be continued at the employee's option and at the employee's expense.
- J. The entitlement to leave for birth or child placement expires one year after the date of childbirth or placement. Childbirth or placement leave is to be taken in one block of time up to twelve weeks. Married employee couples shall be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.
- K. A health care provider's statement must be submitted verifying the need for FMLA leave and its beginning and expected ending dates. If the leave request is for an employee with a serious medical condition, the certification must include a statement that the employee is unable to perform the functions of his or her position as described in the job description. Any changes in this information should be promptly reported to the County. If the validity of the leave request is questionable, the County may require the employee to obtain a second opinion from a

second health-care provider of the County's choice. The County bears the cost of obtaining the second opinion. If the second opinion conflicts with the original medical opinion, the County may require a third opinion. In such a case, the opinion of the third health-care provider is final and binding on the County and the employee.

- L. There are cases when leave is needed intermittently or on a reduced-time schedule due to a serious health condition of the employee or a member of the employee's family. If the employee requests intermittent leave or leave on a reduced-time schedule for planned medical treatment, the agency or department may transfer the employee temporarily to another position of equal pay and benefits for which the employee is qualified. Such a transfer should only be made when placement of the employee into an alternate position would better accommodate the recurring periods of leave than would the employee's regular job. Only the time actually taken as leave will be counted toward the 12 weeks of FMLA leave to which the employee is entitled.
- M. An employee returning from FMLA leave must submit a health care provider's verification of the employee's fitness to return to work.
- N. So that an employee's return to work can be properly scheduled, an employee on FMLA leave is requested to provide the County with at least two (2) weeks of advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position, i.e. with same benefits, pay, and other terms and conditions of employment, for which the employee is qualified.
- O. Additional time away from the job beyond the 12-week period may be requested in accordance with the County's Leave Without Pay policy, Section 8 of this Article.
- P. If, at the expiration of FMLA leave, an employee fails to report for duty, and no extension of the leave without pay period has been granted, the employee's failure to report may be considered a resignation.

Section 7. Educational Leave With Pay

- A. A leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted upon the recommendation of the

department head with the approval of the County Manager, for an employee to take courses of study which will better equip the employee to perform his or her duties for the County.

- B. Educational leave at full or partial pay for a period beyond sixty days, not to exceed nine (9) calendar months may be granted for the same purpose, but only with the approval of the Board of County Commissioners.
- H. An employee on educational leave with pay will agree to return to the service of the County upon completion of the employee's training and remain in the employ of the County for a period equal to twice the educational leave which the employee received; or the employee will reimburse the County for all compensation received while on educational leave.
- D. The employee will be required to reimburse the County for all compensation received while on educational leave with pay if the employee fails to successfully complete the course of study or training for reasons other than undue personal hardship.
- E. An employee on educational leave with pay will continue to earn leave credits and any other benefits to which County employees are entitled.
- F. Educational leave without pay may be granted in accordance with policies outlined in **Section 8, Leave Without Pay**.

Section 8. Leave Without Pay

- A. Upon the recommendation of the department head, the County Manager may grant leave without pay for absences for personal reasons, and for education not directly related to employee duties. Leaves of absence without pay are normally limited to thirty (30) working days in a calendar year.
- B. In exceptional situations, an extended leave without pay beyond the thirty (30) days, as described above, or beyond the twelve (12) weeks entitlement for Family and Medical Leave as described in Section 6 of this Article may be granted. An "extended" leave of absence without pay is subject to approval by the Board of County Commissioners upon recommendation of the department head and County Manager and may not exceed one (1) year.

- C. The employee shall apply in writing to his/her department head for leave without pay. The employee is obligated to return to work within or at the end of the time granted. Requests for leaves of absence without pay will be submitted to the County Manager before the payroll period in which they occur.
- D. Employees shall have exhausted all accrued personal and sick leave before taking Leave Without Pay. Personal and sick leave credits will not be accrued nor will the employee receive paid holidays during periods of leave without pay.
- E. The County does not provide benefits for employees on leave without pay. An employee on leave without pay must reimburse the County for the cost of insurance, or other benefits which are to be paid on the employee's behalf if the employee elects to remain active in the program over the period of approved leave without pay.
- F. The employee is obligated to return to duty within or at the end of the approved leave without pay period. Upon returning to duty, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of the leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 9. Workers' Compensation Leave

- A. When an employee is injured on the job as a result of a compensable accident and loses time from work due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury. Employees are expected to return to work unless the treating physician indicates the employee must go home for the day. A written statement must be obtained from the treating physician if the employee cannot return to work. In situations where the employee cannot return to work the employee will be paid full salary for normal working hours on the day of the injury.
- B. If the injury results in additional time away from work, the employee will be placed on workers' compensation leave and receive the workers' compensation weekly benefit after the required waiting period. The

employee may elect to take sick or vacation leave during the required waiting period, or may elect to go on workers' compensation leave with no pay for the required waiting period. Once the employee begins drawing workers' compensation pay, the employee will not be allowed to use personal or sick leave. Accumulated sick and personal leave will be retained while receiving Workers' Compensation benefits. Sick and personal leave will not accrue during leave without pay status.

- C. In no case will an employee be allowed to buy back from the County leave used during any period of absence due to a workers compensation injury or illness.
- D. Individual hospitalization and life insurance provided for the employee by the County during regular pay status will be provided during workers' compensation leave. Family hospitalization and family life insurance coverage may be continued at the employee's option and expense.
- E. Temporary and part-time employees, who are not eligible for paid sick and personal leave will go directly to a leave without pay status and will receive all benefits for which they are eligible under the Worker's Compensation Act.
- F. Any period of leave without pay for a workers' compensation disability that qualifies as a serious health condition under the Family and Medical Leave Act (FMLA) will run concurrently with FMLA leave.

Section 10. Military Leave

- A. Any regular, probationary, or trainee employee who is a member of the National Guard or Armed Forces Reserve will be allowed fifteen (15) workdays or one hundred twenty (120) hours, prorated for part-time employees, of military training leave with pay in a calendar year, and will be entitled to receive regular compensation in addition to the compensation received from the U.S. Armed Forces while on military leave. If such military duty is required beyond this period of fifteen (15) working days or one hundred twenty (120) hours, the employee shall be eligible to take accumulated personal leave or be placed on military leave without pay status.

- B. While on military leave with pay the employee's leave credits and other benefits shall continue to accrue. Employees who are reservists have all job rights specified in the Veterans Readjustment Assistance Act.
- C. Any employee who is eligible to receive military leave with pay must present to his or her department head a copy of the orders or other documentation certifying performance of required military duty.
- D. For periods of extended active duty, an employee will have the option of exhausting all or part of his/her personal leave prior to being placed on military leave without pay and/or receiving differential pay as described in E. below. Unused personal leave will be retained until the employee returns to work.
- E. An employee no longer in regular pay status due to active military duty will:
 - (1) Be paid the difference in his/her regular salary and military pay for a maximum period of 6 consecutive months, provided the military pay is less than the regular county pay;
 - (2) Have employee health insurance paid by the County for six months;
 - (3) Earn personal and sick leave for the first six months to be used upon return to work;
 - (4) Receive County service credit for periods of active duty;
 - (5) Receive retirement service credit for periods of active duty in accordance with the provisions of the Local Governmental Employees' Retirement System.
- F. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law.

Section 11. Court Leave

A regular, probationary, or trainee County employee called for jury duty or subpoenaed as a court witness is entitled to a leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty. The employee is expected to report to work as soon as court duty is completed. An employee who is a party (plaintiff or defendant) in a court procedure is not considered as a "witness"; and therefore, personal leave must be used, or leave without pay, for purposes of attending court. When an employee attends court in connection with official duties, it is considered work time and no leave is required.

Section 12. Donation of Leave

- A. In case of a prolonged medical condition which causes an employee to exhaust all available leave, an employee may apply for or be nominated to receive transferred leave from the personal leave account of another employee or employees, or from the sick leave or personal leave accounts of an immediate family member (spouse, parent, guardian, child, brother, sister, grandchild, and grandparent - including half, step and in-law relationships) employed in any department of Beaufort County government.
- B. For purposes of this policy, a prolonged medical condition means medical condition of an employee or an immediate family member as described above that is expected to require an employee's absence from work for a period of at least 20 consecutive workdays. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve months, an exception to the consecutive workday requirement may be made. The intent of this policy is to allow one employee to assist another in the case of prolonged medical condition that results or would result in leave without pay status.
- C. A County employee in regular, probationary, or trainee status who earns leave may apply or be nominated to receive donated leave.
- D. A description of the medical condition and estimated length of time needed to participate in the program must be supplied by the employee. Because of Privacy Act confidentiality requirements, prior to making the employee's status as a potential recipient of donated leave public, a written release must also be signed by the employee to permit the status to be made known.

- E. An eligible employee may receive a maximum of 30 days of donated leave per incident or occurrence, not to exceed which is required for the treatment or recovery period.
- F. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using personal and/or sick leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.
- G. Donated leave must be on a one-to-one personal basis, and may not be established as a leave "bank." Donors may contribute a minimum of 4 hours of leave, up to a maximum of the total personal and/or sick leave which an individual may accrue within the calendar year based on his or her accrual rate. The amount of personal and/or sick leave donated shall not reduce a donor's account below one-half the annual accrual rate. For example, a donor employee working a standard 40-hour workweek with 8 or more years of aggregate service earns personal leave at an annual rate of 144 hours per year. The donor employee in this example may contribute a minimum of 4 hours, and up to a maximum of 144 hours of personal leave, but may not thereby reduce his or her personal leave account balance to less than 72 hours.
- H. Donated leave will be credited to the recipient's sick leave account and will be charged according to the sick leave policy. This includes personal leave donated which will be converted to sick leave.
- I. The department head of the prospective recipient shall be responsible for reviewing the merits of requests for participation in the donated leave program and making a recommendation to the County Manager.
- J. A system of leave accountability shall be maintained by the County Human Resources Director or designee who will accurately record the donation and recipient use of donated leave. The system established must afford a clear and accurate record for financial and management audit purposes.

- K. Donated leave may be used prospectively, and/or retroactively for up to 30 calendar days to substitute for periods of leave without pay.
- L. At the expiration of the medical condition for which the donated leave was issued, any unused donated leave shall be returned to the leave account(s) of the donor(s) on a prorated basis.
- M. If the recipient separates from County employment due to resignation, death or retirement, participation in the program ends and unused donated leave will be returned to the donor(s) on a prorated basis.

ARTICLE VII. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

- A. The County will provide individual health insurance and group life insurance to all employees who are eligible for retirement benefits. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts.
- B. Payroll deductions shall be allowable, at the option of the employee, to provide health insurance and group life insurance for dependents in accordance with the provisions of the insurance contracts.
- C. The County will provide individual health insurance to any retired employee that meets either one of the following criteria:
 - (1) Twenty (20) years of *cumulative* service with Beaufort County and reached age 60; or
 - (2) Thirty (30) years of *cumulative* service with Beaufort County with no age requirement.

Sick leave earned with the County which is applied toward retirement will count as service credit for determining eligibility for this benefit.

This benefit is offered until the individual is eligible for Medicare.

- D. Employee's for whom the County continues to provide individual hospitalization following retirement may also cover eligible dependents provided they were covered under the County group health insurance plan at the time of the employee's retirement. Eligibility for dependent coverage under this provision would cease upon the employee's termination from the group plan.
- E. The County may make other group insurance plans available to employees upon authorization of the County Manager or County Board.
- F. COBRA provides former employees and/or dependents continuation of group health and/or dental plan coverage for up to 18 months or 36 months when specific events occur. In addition, federal law allows certain

members to continue group health plan coverage for up to 29 months when disabled. Continuation of Health and Dental coverage, if chosen, will be at the employee's own expense.

Section 2. 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 3. Social Security

The County, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

Section 4. Retirement

- A. Each employee with a regular appointment who is expected to work for the County more than 1,000 hours annually will be enrolled in the Local Government Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary to the system. The County contributes an actuarially determined percentage of the gross payroll each pay period to the system. Full details of this retirement benefit may be found in the booklet entitled Your Retirement Benefits published by the North Carolina Local Governmental Employees' Retirement System.
- B. Employees who are eligible for retirement through the Local Governmental Employees Retirement System may contribute to the Supplemental Retirement Income Plan (State 401K Plan) through payroll deduction within the provisions of the law. In addition, the County may make a contribution to the State 401K Plan for eligible employees subject to authorization by the County Manager and County Board.
- C. Employees who are eligible for retirement through the Local Governmental Employees Retirement System may contribute to the Deferred Compensation Program 457 through payroll deduction within the provisions of the law.

D. Law Enforcement Officers shall receive additional retirement supplements as required by the state.

(1) The County will pay a special separation allowance to each law enforcement officer retiring from County employment under the following policy guidelines.

(a) To qualify for the special separation allowance, the retiring officer must meet the following criteria:

(i) Completed thirty or more years of creditable service; or attained 55 years of age and completed five or more years of creditable service; and

(ii) Not attained 62 years of age; and

(iii) Completed at least five years of continuous service as a law enforcement officer immediately prior to service retirement.

Note: Creditable service is defined as service for which credit is allowed under the retirement system of which the officer is a member, provided that at least 50% of the service is as a law enforcement officer.

(b) The separation allowance due to qualifying employees will cease when the retired officer reaches sixty-two (62) years of age, dies, or is re-employed in any capacity by the County.

(c) The amount of separation allowance will be equal to 0.85 percent of the officer's most recent annual salary for each year of creditable service. (Example: last annual salary x 0.85 percent x number of years of creditable service) This calculated annual allowance will be paid in twelve equal installments until the officer's entitlement ceases.

(2) The County will contribute 5% of the officer's gross salary to the Supplemental Retirement Income Plan (State 401K Plan) which will be credited to the designated individual accounts of participating law enforcement officers.

Section 5. Death Benefit

County employees will receive a Death Benefit after one year as a contributing member of the Local Governmental Employees' Retirement System or the Law Enforcement Officers' Retirement System. The beneficiary of an eligible employee who dies while still in active service (while being paid salary) will receive a single lump sum payment. The payment equals the highest twelve (12) months' salary in a row during the twenty-four (24) months before the date of death, not to exceed \$20,000. This benefit is also paid if the employee dies within 180 days of the last day for which he/she was paid salary.

Section 6. Workers' Compensation

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury in order that appropriate action may be taken. The Human Resources Director or designee will coordinate the filing of such claims with the appropriate parties. **See Appendix G Workers Compensation Policy and Article VI. Section 9. Workers Compensation Leave.**

Section 7. Direct Deposit

Direct Deposit of pay is available to all County employees. Employees have the option of having their paycheck directly deposited into the bank or credit union of their choice. Direct deposit is required for all new employees.

Section 8. Miscellaneous Other Benefits

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and their cost may be deducted from the employee's pay.

- A. Dental and other supplemental insurance
- B. Flexible Benefits Plan, authorized by Section 125 of the Internal Revenue Code, allows employees to spend pretax dollars on insurance premiums, uncovered health and medical expenses, and expenses for dependent care.
- C. Credit Union

D. United Way contributions.

ARTICLE VIII. SEPARATION AND DISCIPLINARY ACTION

Section 1. Types of Separation

All separations of employees from positions in the service of the County shall be designated as one of the following: resignation, retirement, disability, death, reduction-in-force, or dismissal.

A. Resignation

- (1) Resignation in Good Standing occurs when an employee submits a letter of resignation a minimum of ten (10) working days prior to the effective date of resignation. Such notice shall be provided to the department head (or in the case of department heads, to the County Manager, and the appropriate governing body, if applicable). Employees who resign in Good Standing may be considered for future employment with the County.
- (2) Resignation Not in Good Standing occurs when:
 - (a) An employee fails to submit a letter of resignation at least ten (10) working days prior to the effective date of resignation;
 - (b) An employee fails to report to work one (1) working day following a leave of absence without pay;
 - (c) An employee is absent from work three (3) consecutively scheduled working days without authorized leave; or
 - (d) An employee resigns to avoid disciplinary action; or
 - (e) A documented record of unacceptable job performance exists.

An employee who resigns from County employment "Not in Good Standing" is normally ineligible for future employment with the County.

B. Retirement - When an employee meets the conditions set forth under the provisions of the North Carolina Governmental Employees' Retirement

System, he or she may elect to retire and receive all benefits earned under the retirement plan.

C. Disability

(1) An employee may be separated due to disability when unable to perform required duties because of a physical or mental impairment and no reasonable accommodation is possible. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated due to disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited.

(2) An employee who has exhausted sick leave and personal leave may be put on leave of absence without pay for disability reasons prior to being separated from County employment. (See Family and Medical Leave, **Article VI, Section 6.**)

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

E. Reduction in Force - (See Section 2 of this Article)

F. Dismissal - (See Section 3 of this Article)

Section 2. Reduction in Force

A. The Board of County Commissioners may find it necessary to reduce the size of the County's workforce; due to economic circumstances; program elimination or alteration; or privatization of existing programs

B. A specific plan will be developed for each planned reduction in force which will establish the functions and positions to be retained and establish lists of employees who are to be separated, laid off, or work reduced hours.

- (1) The plan will be developed by the respective Department Head, Human Resources Director, and/or the County Manager and approved by the Board of County Commissioners.
 - (2) The plan will specify retention and separation factors. Possible factors may include the employee's past performance, qualifications to perform additional work activities within the same or similar program areas, organizational needs, and/or length of continuous County service. The individual(s) selected may or may not be the incumbent of the position to be eliminated.
 - (3) No regular employee in an affected classification shall be separated while there are temporary, probationary, or trainee employees in the same or related classification in the lay off unit. Part-time positions may be eliminated or combined, however, regular part-time employees need not be separated to preclude the separation of full-time employees.
 - (4) When a reduction in force is proposed to the Board of County Commissioners, the County Manager will inform all employees that a plan is being considered. Upon approval, affected employees will be provided written notices of how the plan affects them. A minimum of fourteen (14) days notice will be provided to employees prior to separation due to reduction in force.
 - (5) Employees involuntarily separated by a reduction in force may apply for reemployment if qualified for a vacant position.
- C. A regular employee whose employment is being eliminated due to reduction-in-force shall receive the following severance as long as alternate employment with the County in a comparable position or a reasonable employment offer with a contractor (in the event of a negotiated privatization) has not been refused. Any period covered by severance pay shall not be credited as a period of retirement service.
- (1) Two (2) days of severance pay for each full year of continuous County service in a regular position; whichever is greater, to be paid in one lump sum, and;

- (2) Payment for all accumulated personal leave as of the date of separation (no limit), and;
- (3) Payment for up to twenty (20) days of accumulated sick leave as of the date of separation. Any leave paid shall not be eligible for reinstatement if re-employed with the County, therefore, the employee has the option of declining this benefit, and;
- (4) Continuation of group health insurance paid by the County for three months after the effective date of separation; after three months the separated employee(s) will be eligible for continuation of coverage in accordance with COBRA laws.

Section 3. Discipline, Suspension and Dismissal

- A. Employees of Beaufort County are at-will employees whose continuous employment is contingent upon satisfactory service to the County. Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority. At the discretion of the agency or department head, the following disciplinary procedures may be used as a guideline in administering disciplinary action up to and including termination. Management shall have sole discretion in determining whether these guidelines are to be followed or if some other course of action is appropriate. In no case shall any regular employee be dismissed without authorization from the appropriate management and County Manager and pre-dismissal conference with the affected employee in accordance with **C. below**.
- B. **Unsatisfactory job performance** means the failure to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by management of the work unit or department. Determination of satisfactory performance shall be made by the supervisor; there is a presumption that the determination is proper and factually supported.
- C. **Unacceptable personal conduct** may include, but is not limited to: verbal threats, physical aggression toward other employees or citizens, insubordination (willful failure or refusal to carry out a reasonable order or assignment from an authorized supervisor), being found in the possession of illegal drugs or alcohol during working hours, reporting for work in an intoxicated condition, reckless endangerment of the safety of

County employees or other citizens, theft of county property or various other criminal acts, abuse of county property or equipment, willful violation of known or written work rules, conduct unbecoming an employee that is detrimental to the agency's service, and other activities constituting a serious disruption of work.

- D. At the discretion of management, the following progressive system of discipline may be administered beginning at any stage. This progression does not require that progressive warnings all concern the same type of unsatisfactory performance or unacceptable personal conduct. Warnings administered under this guideline are intended to bring about permanent improvement in the employee's performance or personal conduct.

(1) Oral Warning

- (a) In discussion with the employee, the supervisor or designated management representative will:
- (i) Inform the employee that this is a warning, and not some other non-disciplinary process such as counseling;
Inform the employee of the specific performance or personal conduct issues that are the basis for the warning;
 - (ii) Tell the employee what specific improvements must be made to correct the unsatisfactory performance or personal conduct;
 - (iii) Let the employee know what time is being allowed to make the required improvements/corrections;
 - (iv) Advise the employee of the consequences of failing to make the required improvements/corrections.
- (b) The supervisor will allow the employee to respond to the specific reasons for the warning. In some cases this may affect the supervisor's decision on whether to discipline an employee. The supervisor will record the date and specifics of the warning for possible future use or reference. The supervisor may include another management representative to serve as a witness in this and all other disciplinary conferences.

(2) Written Warning

- (a) The supervisor or designated management representative will conduct a disciplinary conference and issue a letter of written warning to the employee.;
- (b) The conference and written warning shall include:
 - (i) The specific performance or personal conduct issues that are the basis for the warning;
 - (ii) Specific improvements/corrections that must be made to correct the unsatisfactory performance or personal conduct;
 - (iii) Timeframe allowed for making the required improvements/corrections;
 - (iv) Consequences of failing to make the required improvements/corrections.
- (c) Reference may be made in this warning to document an earlier oral warning.

(3) Final Written Warning

- (a) Before issuing a final written warning the supervisor, department head, and the County Manager will review the contents of the warning.
- (b) The supervisor, department head, or designated management representative will conduct a disciplinary conference and issue a letter of final written warning to the employee.
- (c) The conference and final written warning shall include:
 - (i) Statement to the employee that this action constitutes a final written warning;
 - (ii) Specific improvements/corrections that must be made to correct the unsatisfactory performance or personal conduct;

- (iii) Timeframe allowed for making the required improvements/corrections;
- (iv) Consequences of failing to make the required improvements/corrections.

(d) Reference may be made in this warning to any prior oral and/or written warnings if applicable.

E. Dismissal

- (1) Before an employee may be dismissed, the department head will meet with appropriate management and the County Manager to present and discuss any documentation supporting the recommendation for dismissal. With authorization of appropriate management and the County Manager, a pre-dismissal conference will be scheduled with the employee. The purpose of the pre-dismissal conference is to review the recommendation with the affected employee and to listen to and to consider any information put forth by the employee in order to insure that a dismissal decision is sound and is not based misinformation or mistake.
- (2) The designated management representative may schedule and conduct this conference with the employee. It is essential that the employee is provided advance notice of the pre-dismissal conference. A second management representative, County Human Resources Director, County Manager, and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. In the conference, the Supervisor or designated management representative will give the employee oral or written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting the recommendation. The employee will have the opportunity to respond to the proposed dismissal, to refute information supporting the recommended dismissal action and to offer information or arguments to support his or her position. Every effort will be made by the Supervisor or designated management representative to assure that the employee has had a full opportunity to set forth any

information in his or her possession in opposition to the proposed dismissal prior to the end of the conference.

- (3) Following the conference, management will review and consider the response of the employee and reach a decision on the proposed recommendation. If management's decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal, and referral to the County's grievance policy shall be issued to the employee either in person, or by certified mail, return receipt requested, to the last known address of the employee. A management decision not to dismiss the employee may be communicated to the employee at any time following the conclusion of the conference.
- (4) The effective date of a dismissal for unsatisfactory job performance will be determined by management. Dismissal may be immediate or the employee may at management's discretion, be given up to two weeks working notice of the dismissal. The effective date of the dismissal shall not be earlier than the letter nor more than fourteen (14) calendar days after the notice of dismissal.
- (5) All dismissals of employees subject to the State Personnel Act shall be in accordance with the Personnel Manual for Local Government Employees Subject to the State Personnel Act. The County Manager shall be provided with a copy of all documents pertaining to dismissal action.

D. Suspension Without Pay

- (1) **Investigatory suspension** without pay may be used by the County to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision of appropriate disciplinary action. Investigatory suspension without pay may also be used to provide time to schedule and hold a pre-dismissal conference. In addition, the County may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken

by management by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; or appropriate disciplinary action based on the results of the investigation.

- (2) Disciplinary suspension without pay may be used by the county for disciplinary purposes for unsatisfactory job performance or for causes relating to any form of unacceptable personal conduct. Disciplinary suspension without pay shall not exceed two (2) workweeks. Prior to placing an employee on disciplinary suspension without pay, a pre-suspension conference will be scheduled with the employee. The purpose of the pre-suspension conference is to review the recommendation with the affected employee, and to listen to and consider any information put forth by the employee in order to insure that the recommended action is sound and not based on misinformation or mistake.
- (3) Before an employee may be suspended with out pay, the department head will meet with appropriate management and the County Manager to present and discuss any documentation supporting the recommendation for suspension.
- (4) A suspension without pay for an employee who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day and shall not exceed the limits specified for the type of suspension. The length of a suspension without pay for an employee who is exempt from the overtime provisions of the FLSA must be for at least one full workweek.
- (5) An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights under the County's grievance procedure.

E. Demotion

- (1) An employee may be demoted as a disciplinary measure. on the basis of unsatisfactory performance or unacceptable conduct as determined by the department head and approved by the County Manager.

- (2) An employee who is demoted will receive written notice which includes specific reasons for the demotion and referral to the County's grievance policy.
- (3) A disciplinary demotion may be accomplished by either demoting the employee to a lower classification and pay grade or by salary reduction in the current pay grade.
- (4) Prior to the decision to demote an employee for disciplinary reasons, a management representative must conduct a pre-demotion conference with the employee. This pre-demotion conference shall be accomplished in the same fashion as the pre-dismissal conference.

F. Special Provisions - Credentials

- (1) Some duties assigned to positions may be performed only by persons who are duly licensed, registered, or certified.
- (2) Employees in such jobs are responsible for maintaining current, valid credentials including a valid drivers' license if appropriate, as required by law. Failure to maintain the required credential is a basis for immediate dismissal. An employee who is dismissed shall be given a written statement of the reason for the action.

Section 4. Separation Procedure

- A. If and when an employee is separated, the department head should immediately provide the County Manager's office with a Personnel Action form. The cumulative vacation and sick leave balances must be submitted with the Personnel Action form to insure proper payment and record maintenance.
- B. A copy of the employee's resignation or dismissal letter or any other such documentation should also be submitted with the Personnel Action form.
- C. Prior to separation, an employee separating from employment with the County may have an exit interview with the County Manager or designee and the employee's department head. Any County property in the

employee's possession shall be returned to the County at the time of separation.

- D. If the separation is involuntary, the employee will be referred to the County's grievance policy.

ARTICLE IX. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Purpose

The grievance procedure provides an adequate and fair means for hearing matters of concern to County employees. A grievance is defined as a claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve allegations of safety or health hazards, workplace harassment, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment

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. Coverage

This grievance procedure applies to all departments and all employees of Beaufort County with the following exception: employees of Public Health and Social Services, which are governed by the state personnel act, shall be subject to a formal "Appeals Policy" and "Problem Resolution Procedures for Issues Not Subject to Formal Appeal" as adopted by the respective Board.

Section 3. Procedure

- A. When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved.

- (1) **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 Director as a resource to help resolve the grievance.
- (2) **Step One.** 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 grievance must be presented within thirty (30) calendar days of the date of the event or of learning of the event or condition giving rise to the grievance. The grievance should include a description of action(s) being grieved and the reasons the action(s) are perceived to be wrong, unfair, or offensive. The supervisor shall respond to the grievance within five (5) 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 of decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.
- (3) **Step Two.** 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 (5) calendar days after receipt of the response at Step One. The department head shall respond to the appeal, stating the determination of the decision within five (5) calendar days after receipt of the appeal.
- (4) **Step Three.** If the grievance is not resolved to the satisfaction of the employee by the department head, the employee may appeal, in writing, to either the County Manager or the corresponding appointing authority (Sheriff, Register of Deeds, Board, etc.) within five (5) calendar days after receipt of the response from Step Two. The County Manager or corresponding appointing authority shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within (10) ten calendar days. The response at Step 3 is final. However, the County Board of Commissioners should be informed of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.

- A. If the grievance concerns an appeal of a dismissal it shall be filed directly with the County Manager or corresponding appointing authority at Step Three.
- B. If the grievance concerns allegations of workplace harassment the employee may file the complaint directly with the County Manager, corresponding appointing authority, Human Resources Director, or any department head as set forth in **Article V, Section 4**.
- C. The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the designated authority. 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.
- D. A decision to rescind a disciplinary suspension or demotion must be approved by the County Manager or corresponding appointing authority before the decision becomes effective.
- E. All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the County Human Resources Director. These records will be subject to review by the grievant, the employee's department head, the County Manager or other appointing authority, and by the Board of County Commissioners.

Section 4. Grievance and Adverse Action Appeal Procedures 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 Resources Director and/or the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

Section 5. Other Remedies

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

ARTICLE X. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the County Human Resources Director. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

Section 2. Information Open to the Public

- A. The following information with respect to ~~on~~ each County employee is a matter of public record:
- (1) Name
 - (2) Age
 - (3) Date of original employment or appointment to County service
 - (4) Current position title
 - (5) Current salary
 - (6) Date and amount of most recent change in salary
 - (7) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
 - (8) Department to which the employee is currently assigned.
- B. As required by G. S. 153A-98, any person may have access to the information listed in this section for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 3. Confidential Information

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

- A. The employee or his/her duly authorized agent may examine all portions of the employee's 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.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A County employee having supervisory authority over another employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such 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.
- F. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- G. 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.
- H. 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.

Section 4. Remedies of Employees Objecting to Material in File

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

Section 5. Penalty for Permitting Access to Confidential File by Unauthorized Person

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

Section 6. Penalty for Examining and/or Copying Confidential Material Without Authorization

Any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine, remove or copy any portion of a confidential personnel file may be judged guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or

destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.2 of the General Statutes.

**ARTICLE XI. IMPLEMENTATION OF PERSONNEL POLICY BY
RESOLUTION**

Section 1. Conflicting Policies and Resolution Repealed

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

Section 2. Separability

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

Section 3. Effective Date

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

This Resolution passed and adopted by the Board of County Commissioners, Beaufort County, State of North Carolina, this _____

Chairman
Beaufort County Board of Commissioners

Sharon C. Singleton
Clerk to the Board

APPENDIX A

Travel Expense and Reimbursement

I. Purpose

It is the intent of this policy to provide County departments and agencies a comprehensive reference for uniform interpretation of policies governing payment or reimbursement for travel, subsistence and lodging expenses that are incurred in conducting official Beaufort County business. Travel to and from the normal job location to a site other than the normal job location to conduct County business is covered under this policy. Use of a personal vehicle in commuting from an employee's home to his/her duty station is not reimbursable and does not fall under the guidelines of this policy.

II. Employees Subject to Policy

All employees whose reimbursement for travel is under the direct control of the Beaufort County Board of Commissioners are subject to this policy.

III. Employee Responsibility

An employee traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official County business are not acceptable under this standard. Employees and board members will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Willful violations of this policy may result in disciplinary actions per County Personnel Policy and may result in criminal prosecution.

IV. Travel Authorization

- A. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party.

- B. Meetings Involving Overnight Lodging or Registration – Travel on official County business outside Beaufort County involving overnight stay or registration must be authorized by the department head and approved by the County Manager. A travel authorization form describing the purpose of the proposed trip, estimated expenses, and period of time away from the County must be submitted by the requesting party through the department head for authorization by the County Manager prior to the travel. This authorization form should include a copy of the registration form or other information regarding the travel. For all meetings involving overnight lodging or registration, other than travel by the County Commissioners, the department head is responsible for determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel.
- C. Meetings Not Requiring Overnight Lodging or Registration - Employee meetings not requiring overnight lodging or registration fees must be approved by the department head and County Manager. Failure to notify the department head or County Manager of the meeting may result in the requesting party receiving no reimbursement for travel costs.
- D. Travel requests by members of the Board of County Commissioners -shall be approved by the Board of County Commissioners.

V. Specific Guidelines Relating to Registration, Transportation, Subsistence, and Other Costs

- A. General - With the exception of hotel accommodations, registrations and airline tickets, travel costs will be paid by the employee and reimbursed by the County for authorized travel. In many cases, it is customary for airline tickets and registrations to be paid directly by the County in advance or be billed to the County by subsequent invoice. A County credit card may be obtained from the Finance Office prior to overnight travel. Only hotel accommodations should be charged to the credit card. The requesting party is encouraged to reserve transportation and lodging in advance when possible. The requesting party also is encouraged to travel with other employees and officials of the County, and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only, subject to the limitations established in this policy.

- B. Registration Fees - The County Manager is authorized to approve payment of registration fees. These fees are to be charged to "Employee Training" or "Travel". Registration fees must be itemized and supported by adequate documentation of expenses.
- C. Transportation - Transportation includes expenses for county vehicles, personal vehicle, taxi, shuttle, bus, train, airplane, auto rentals, tolls, and parking fees. All travel expenses must be incurred by and for employees, board members or other eligible travelers while conducting official County business in order to be eligible for reimbursement. Maximum reimbursement for transportation will be based on the most economical mode of travel.
- (1) County Vehicles
- (a) When possible, County vehicles will be used for travel on official County business, rather than personal vehicles, for any authorized travel. Use of a County vehicle must be approved by the County Manager, department head, or designee.
 - (b) The vehicle will be used in conducting County business only. Any other use of a County vehicle for personal use is strictly prohibited by State law.
 - (c) Only County employees with a valid driver's license may drive County owned vehicles. The driver must obey all laws of the jurisdiction in which the vehicle is being operated. Conviction of a moving violation while operating a County vehicle is considered improper use of County property and may result in disciplinary action against the convicted employee.
 - (d) When an employee is occasionally required to travel on County business before or after normal working hours, the appropriate department head may authorize the employee to drive a County vehicle to the employee's home.
 - (e) Non-County employees may accompany County employees if they have a business interest in the travel.

- (f) A minimal amount of personal use, such as driving the vehicle to and from dinner, will be allowed.

(2) Personal Vehicle

- (a) Use must be approved in advance.
- (b) The allowable County approved rate of thirty (32) cents per mile will be paid to an employee who uses his/her personal vehicle. Reimbursable mileage is based on actual odometer readings for the shortest usually traveled route and should be computed beginning and ending at the employee's regular duty station or home, whichever is closer to the travel destination. Mileage reimbursement requests should be for County associated travel only.

(3) Common Carrier

- (a) Actual coach fare (substantiated by original receipt) will be reimbursed. First class travel should be used only in extraordinary circumstances.
- (b) Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the County may be obligated to pay the penalties and charges at the County Manager's discretion.

(4) Rental Vehicle – An original receipt is necessary for reimbursement. Rental vehicles are to be used as a last resort. Use of a rental vehicle must be approved in advance.

(5) Parking Fees, Tolls, and Storage Fees - Are reimbursable. Original receipts are required.

(6) Other Transportation Expenses

(a) Travel to/from airport at employee's or board member's destination - Reimbursement for travel to and from the airline terminal at the employee's or board member's destination may be made where available as listed below:

- i. Airport shuttle - one round trip shuttle fare;
- ii. Taxi - when shuttle service is not available, actual fare to and from airline terminal;
- iii. Rental vehicles - may be used as a last resort.

(b) Taxis and shuttles other than trips to and from the airport - The actual cost of taxi and shuttle fares is reimbursable when required for travel on official County business. Taxi fares are not reimbursable except in emergencies, or when a less expensive mode of transportation is not available within a reasonable period.

(c) Original receipts are necessary for reimbursement.

D. Subsistence (Meals and Lodging) - Subsistence is an allowance related to lodging, meal costs, and gratuities thereon. The following is the maximum allowable per diem rate.

(1) Meals

(a) The employee shall pay for meal expenses incurred while traveling on official County business and will be reimbursed by the County in accordance with the following schedule. Amounts below include all gratuities. Original receipts are required as documentation to support the amount requested for meals.

Maximum Per Diem Rates

Breakfast	\$4.00
Lunch	\$6.00
Dinner	<u>\$12.00</u>
	\$22.00

- (b) The price of meals included in registration or conference fees will reduce per diem allowance. For example: if lunch is included in registration per diem allowance is reduced by \$6.00.
- (c) With prior approval, actual cost reimbursement will be allowed for "banquet" or special meals which are part of a convention, meeting, or seminar.
- (d) There will be no reimbursement for meals within Beaufort County unless prior approval is received from the County Manager such as situations described in (c) above.
- (e) There will be no reimbursement of any expense for alcoholic beverages.
- (f) Employees engaged in travel that would encompass a complete day's meals may be reimbursed the total daily rate for any combination of meals and are not subject to the per meal requirement. Receipts are still required for all reimbursements.
- (g) Employees and board members shall receive reimbursement for meals for out of county travel when the following conditions apply:

Breakfast - Depart prior to 7:00 a.m.

Lunch - Depart prior to 11:00 a.m.

Return after 2:00 p.m.

Dinner - Return after 7:00 p.m.

Times of departure from duty station and return to duty station must be listed on the travel reimbursement claim for daily out of county travel and for the first and last day in travel status for overnight travel in order to determine eligibility for meal reimbursement.

(2) Lodging

- (a) County employees may obtain a County credit card from the Finance Office prior to overnight travel for lodging expenses. Lodging expenses only may be charged to the

credit card. The County credit card and original receipts must be returned to the Finance Office the first working date on or after the employee's return from overnight travel.

- (b) Reimbursement for lodging expense paid by the employee will be made on the basis of actual cost for reasonable accommodations.
- (c) Single room rates will be reimbursed. County employees are expected to check rates in the area of their travel and make arrangements for the most economical and safe lodging available. With prior approval, convention or conference accommodations "headquartered" at a particular hotel may be reimbursed for the actual rate at that hotel.
- (d) Other entertainment expenses, such as the cost of movies, *etc.* that are included with the bill for lodging will not be reimbursed, nor should they be charged to a County credit card.

E. **Other Costs**

(1) **Telephone Calls**

- (a) **Local Calls** - Overnight stays - No local calls will be reimbursed unless they are business associated. Business numbers called must be identified on reimbursement or lodging receipt.
- (b) **Long Distance** - Employees and board members are allowed to charge one long distance phone safe arrival call per trip.
- (c) Official phone calls are reimbursable under "other expenses." Individual calls must be identified as to point of origin and destination.

VI. Reimbursement Policy & Procedures

A. **Reimbursement from the County**

- (1) Each employee and board member is responsible for his or her own request for reimbursement.
- (2) All reimbursement requests shall be supported by original receipts and signed by the employee and his/her department head prior to submission to the County Finance Office.
- (3) Reimbursement requests shall be filed as soon as possible after the travel period ends for which reimbursement is requested.
- (4) Times of departure from duty station and return to duty station must be listed on the travel reimbursement claim form for daily out of county travel and for the first and last day in travel status for overnight travel in order to verify eligibility for meal reimbursement.
- (5) The County's check writing schedule is as follows: If submitted with adequate documentation by the fifteenth (15th) of the month, payment will be on the twenty-fifth (25th) of the month. Failure to submit adequate documentation may delay payment.
- (6) The Finance Office will determine that the reimbursement form has been properly approved, that it is mathematically correct, and that requested reimbursements agree to submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.
- (7) Before the reimbursement is made, the Finance Office will determine that an amount sufficient to pay the request has been encumbered for payment, or that there is a sufficient unexpended appropriation in the expenditure item. The Finance Officer will promptly inform the authorizing party and requesting party if payment cannot be made.
- (8) Any employee submitting a falsified reimbursement form may be subject to disciplinary action and/or criminal prosecution.

- (9) Any department head or other authorizing party who approves a falsified reimbursement form, which is known to be false, may be subject to disciplinary action and/or criminal prosecution.

B. County Employees Traveling on State Reimbursement

- (1) Should a County employee undertake State and/or County business and the County receive reimbursement from the State based on State travel limits, the employee will be allowed to expend and be reimbursed by the County up to the State travel limits.
- (2) The employee will have the responsibility to provide necessary receipts to the County prior to reimbursement. Upon receipt of State reimbursement, the employee must provide an itemized list of the State payment to the County Finance Office.

C. Travel Reimbursement from other Agencies

- (1) A copy of reimbursement request from another agency should be turned in with traveler's travel expense form.
- (2) Reimbursement check from another agency shall be made payable to Beaufort County.
- (3) If check for reimbursement from another agency is made out to traveler, it should be endorsed for payment to County.
- (4) Any cash reimbursement from another agency will require support documentation.

VII. Accounting for Travel Time

- A. Normal travel from home-to-work is not work time.
- B. Time spent by an employee in travel, as part of his/her principal activity, such as travel from job site to job site during the workday, shall be counted as hours worked.

- C. Time spent by an employee in authorized travel to training, conferences, meetings, etc. out of the County shall be counted as work time. The only travel time not counted as work time is when all of the following conditions are met: (1) travel is overnight, (2) travel is outside of regular working hours, (3) travel is on a common carrier, and (4) no work is being done.
- D. Any work which an employee is required to perform while traveling shall be counted as hours worked.
- E. Travel time counted as hours worked should be recorded beginning and ending at the employee's regular duty station or home, whichever is closer to the travel destination.

APPENDIX B

COOPERATIVE EXTENSION AGREEMENT

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NORTH CAROLINA
COOPERATIVE EXTENSION SERVICE,
NORTH CAROLINA STATE AND A&T STATE UNIVERSITIES,

AND
THE BOARD OF COUNTY COMMISSIONERS

The North Carolina Cooperative Extension Service was established as a part of the School of Agriculture and Life Sciences of North Carolina State University by Federal and State legislation for the specific purpose of "extending the educational service of the University to the people of the State on subjects relating to agriculture, home economics, 4-H and youth, and community and natural resource development". The laws creating Extension were specifically designed to ensure that the findings of research in these areas were communicated to the people. Under the Appropriations Act of 1972, funds were provided to the 1862 Land Grant Universities to enhance the extension outreach of the 1890 Universities, of which A&T State University is one. The Food and Agriculture Act of 1977 stipulated that these funds would be appropriated directly to the 1890 Institutions and formalized the Extension program as an official part of the School of Agriculture at this institution. However, to provide effective coordination, administrative contacts will be handled by the county and district chairmen of North Carolina State University with appropriate attention given to A&T State University personnel. Legislation provided that Cooperative Extension work be a partnership among three levels of government--Federal, State, and County. Extension agents are officially appointed as members of the United States Department of Agriculture and charged with carrying out educational work of the department. Upon acceptance by the Board of County Commissioners, they are also designated as field faculty members of either North Carolina State University, with professional rank, or A&T State University.

To assure that educational programs offered by Cooperative Extension at both land grant institutions meet the needs of local clientele, it is important that both elected and appointed officials of each level of government understand their respective responsibilities and relationships in the conduct of this work.

Responsibilities and Relationships

I. The North Carolina Cooperative extension Service and the A&T State Cooperative Extension Program will:

- A. Establish minimum requirements and qualifications for employment in Extension work.
- B. Receive and examine applications for employment.
- C. Interview and screen applicants to determine their qualifications and availability.
- D. Recommend to the Board of County Commissioners qualified applicants for appointment to vacant or new Extension positions.
- E. Recommend the salaries of Extension agents and paraprofessionals.
- F. Recommend the salaries of Extension secretaries and pay the State portion according to the State Personnel Pay Plan.
- G. Determine jointly with the Board of County Commissioners the share of salaries to be paid by each and provide the State and Federal share of these salaries.
- H. Prepare and submit an annual budget request to the Board of County Commissioners for the county's share of funds for salaries and operating expenses.
- I. Provide funds for official travel necessary in the conduct of Extension work to the extent that funds are available and for purposes authorized by State and Federal policies.
- J. Provide Extension agents with official envelopes, bulletins (designated for free distribution), leaflets, and other publications for educational purposes.
- K. Accept responsibility and provide the leadership for administration and supervision for Extension programs and personnel, including

compliance with the requirements of Affirmative Action and Equal Employment Opportunity guidelines.

- L. Develop and administer a personnel management plan that will provide for: (a) the annual review of each worker's performance, (b) counseling for job improvement where needed, (c) periodic county program reviews.
- M. Provide a staff of specialists to continuously train agents in current technology and other changes affecting agriculture, home economics, 4-H and youth, and community and natural resource development, and to assist them in the conduct of work in these areas.
- N. Provide Extension workers with training programs as needed to maintain effective program delivery.
- O. Develop and maintain a County Advisory Leadership System to insure that county extension programs are based on the particular needs of people in their respective county.

II. Board of County Commissioners will:

- A. Provide the county's share of salaries for Extension personnel.
- B. Provide office space and equipment, utilities, telephone, office supplies, demonstration materials, and other items needed for efficient operation of the County Extension Office and program.
- C. Review and consider the annual budget request from the Extension Service and take appropriate action by July 1 of each fiscal year.
- D. Confer and advise with the District and County Extension Chairmen and Extension Advisory Council relative to county extension programs.

III. The North Carolina Cooperative Extension Service and the A&T State Cooperative Extension Program and the Board of County Commissioners mutually agree:

- A. That all county Extension appointments and separations are to be worked out jointly between the North Carolina Cooperative Extension Service and the Board of County Commissioners and that no official anion will be taken by either party regarding appointment or separation prior to discussion of the matter with the other party.
- B. That the policies established by the State of North Carolina and followed by the University be used as a guide in granting annual, sick, civil, and military leave for Extension personnel.
- C. To cooperate in applying Affirmative Action and Equal Employment Opportunity plans of the North Carolina Cooperative Extension Service.
- D. That Extension agents will not be classified under a county classification system.
- E. That Extension agents will follow County policies relative to office hours and holidays.

APPENDIX C

CONFLICT OF INTEREST POLICY

It shall be the duty of all Beaufort County employees to recognize and report to the County Manager, any and all part-time employment opportunities or formal intent in any outside undertaking that may be considered a conflict of interest in their employment with Beaufort County Government.

It shall be the policy of Beaufort County that no Manager, department head, supervisor or any employee may use their position, or the knowledge gained therein, in such a manner that a conflict between Beaufort County's interests and their personal interests should arise. Both the fact and the appearance of the conflicting interests are to be avoided.

All requests for employment opportunities outside of employees' normal County jobs, or any financial interest or relationship an employee may have in any outside venture, should be approved in advance by the County Manager.

Other incompatible activities include, but are not limited to, acceptance of a favor, pay, gift, payment or expenses, or any other thing of monetary value under circumstances in which acceptance may result in or create the appearance of conflicts of interest.

An employee is prohibited from having a direct or indirect formal interest that conflicts substantially with his/her Government duties and responsibilities; or, from joining in, directly or indirectly, a formal transaction as a result of, or primarily relying upon, information obtained through his/her Government employment.

Employees should refrain from transmitting any knowledge of county considerations or decision, or any other information which might be prejudicial to the interest of the County, to any person other than in connection with the discharge of their official responsibilities.

Prior to a job offer being made to any applicant for a County position, this conflict of interest policy will be discussed with the applicant. A copy of this policy will be given to each successful job applicant as soon as is reasonably possible prior to the first day of employment, but, in any event, no later than the first day of employment.

Adherence to this policy, as herein above set out, is a condition of employment. Failure to comply may result in disciplinary action, up to, and including termination of employment.

APPENDIX D

ALCOHOL AND DRUG FREE WORKPLACE POLICY

I. Purpose

It is the policy of the Beaufort County Board of Commissioners that an alcohol and drug-free workplace shall be maintained. Beaufort County desires to protect its employees and the public by maintaining a healthy and safe environment. All personnel, equipment, and operating practices must be consistent with the highest standards of health and safety. The County is committed to developing and administering a fair and consistent policy to promote and maintain a work environment free of alcohol and drugs.

II. Policy

A. The following are prohibited on property owned or leased by the County at any time during which an individual is acting in the course and scope of employment with the County, and at any other time the employee's violation of this policy has a direct and adverse impact upon the performance of the employee's job duties:

- (1) The unlawful manufacture, distribution, dispensation, sale, possession or use of controlled substances as defined by N.C.G.S. 90-87.
- (2) The unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia.
- (3) Use of alcoholic beverages.

Any violation of A.(1) through (3) shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including dismissal.

B. 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. Failure to comply with this requirement will result in termination.

C. Impaired behavior and/or diminished performance on the job resulting from the use of alcohol or any controlled substance shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including dismissal.

- D. The County will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials.
- E. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department management.
- F. An employee shall inform his or her supervisor if prior to beginning work or while on duty, he or she has used or intends to use any prescription drug, over-the-counter drug, or other substance that might impair his or ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and the potential side effects of medications or other chemical substances taken. Supervisors shall document this information and maintain in a secured file. The employee may be temporarily reassigned to other duties where appropriate.
- G. Disciplinary action, up to and including dismissal, shall be taken when an employee:
 - (1) refuses to sign a consent form and participate in required drug or alcohol test.
 - (2) intentionally tampers, or attempts to tamper, with drug or alcohol sample or testing process.
 - (3) produces a confirmed positive alcohol test or verified positive drug test.
- H. In the event an employee taking prescription drugs should test positive, he/she will be asked to validate the prescription and the dosage. The proper use by an employee of a drug or medication authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the employee taking the drug is the person for whom it has been prescribed, and when the drug is taken in accordance with the prescribed dosage.
- I. Substances that may be tested for under this policy include:
 - (1) marijuana / cannabinoids (THC)
 - (2) cocaine metabolites

- (3) opiates
- (4) phencyclidine (PCP)
- (5) amphetamines / methamphetamines
- (6) alcohol
- (7) barbiturates(e.g.,amobarbital,butabarbital,phenobarbital,ecobarbital)
- (8) methaqualone (e.g., Quaalude)

- J. When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance, the employee may be required to submit to an immediate drug and/or alcohol test. The test shall be administered by qualified personnel selected and paid by the County. The test shall involve proper procedures of specimen collection and confirmatory testing for an initial positive test.
- K. Individuals who seek employment with the County may be required to undergo a drug screening procedure.

III. Procedures

- A. The following procedures apply when a supervisor has reasonable cause to believe an employee is in violation of the County's Alcohol and Drug Free Workplace Policy.
- (1) The circumstances and actions which are the basis for the reasonable cause shall be reviewed with the County Manager or designee.
 - (2) If the situation warrants, the employee may be placed on investigatory leave in accordance with applicable policy.
 - (3) In cases which involve suspected manufacture, distribution, dispensing, selling, or possession of controlled substances at the workplace, the County Manager or designee shall contact the local law enforcement agency and State Bureau of Investigation for assistance.

- (4) The situation shall be documented as fully as possible and witnesses will be utilized to the extent practical. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance, and a general discussion of the circumstances. Supervisory personnel must separate that employee from operating equipment or any other situation which may pose an immediate hazard. All referrals, documentation, and action relative to this policy shall be kept in strictest confidence.

- (5) If, with the approval of the County Manager or designee, or a drug or alcohol test is warranted, the department head or supervisor, with a witness present, shall inform the employee that as a condition of employment, management has the right to require him/her to submit to a drug and/or alcohol test. The employee shall be advised of:
 - (a) basis for the reasonable cause and the requirement that the employee sign a test consent form;
 - (b) methods of testing which may be used;
 - (c) substances which may be identified;
 - (d) importance of cooperating with the collection site personnel;
 - (e) confidentiality of individual test results;
 - (f) consequences of refusing to sign consent forms, failing to submit to immediate testing, failing to report for a specimen collection, or receiving a verified positive drug test result or confirmed positive alcohol test.

- (6) Immediately after reviewing (5) (a) through (f) above with the employee, he/she will be given notification of the location of the test and shall be required to sign a consent form.

- (7) County personnel shall transport the employee to the test site immediately after he/she signs the consent form.

- (8) If the employee refuses to sign the consent form or to undergo testing immediately as scheduled, the department head shall take appropriate disciplinary action. Arrangements shall be made to transport the employee home.
- (9) If a non-positive test result occurs, the employee shall be notified immediately by the department head or designee. If the employee has been placed on investigatory leave he/she shall be reinstated in accordance with the policy requirements. All records surrounding this incident shall be removed from the employee's personnel file.
- (10) If the test is positive, the department head shall, within five (5) days of receiving positive test confirmation, inform the employee, in writing, of the results and proposed action to be taken.
- (11) Disciplinary action resulting from a confirmed positive test, refusal to participate in a test, or altering test results, shall be handled in accordance with established policies for disciplinary action.

B. Applicant Drug Testing

- (1) Each job finalist will be required to undergo a drug screening after a conditional offer of employment is made and prior to a final job offer being extended.
- (2) Applicants shall be disqualified from further consideration for employment under the following circumstances:
 - (a) Refusal to submit to a required drug test; or
 - (b) A confirmed positive drug test indicating drug use prohibited by this policy.

C. Testing Guidelines

- (1) All drug (controlled substance) testing will be carried out by a laboratory certified by the U.S. DHHS and testing will be conducted via urine specimens.

- (2) Alcohol testing will meet industry standard or applicable U.S. DHHS guidelines and testing will be conducted via a saliva, blood or breath specimen.
- (3) All specimens will be collected under chain of custody procedures which require the donor to present picture identification and other protocols to assure specimen integrity.
- (4) Positive drug (controlled substance) tests will undergo confirmatory testing.
- (5) Positive alcohol tests will undergo confirmatory testing by either blood or breath.
- (6) An employee who receives a positive drug test may request that the same or split specimen be tested by another certified laboratory with the cost of such testing at the employee's expense.
- (7) All drug (controlled substance) and alcohol test results will be maintained in a secure and confidential manner and will not be released without written consent of the employee except as a result of action initiated by or on behalf of the employee. Applicants and employees who are tested will be provided with a copy of the test results if requested.

IV. Reasonable Cause / Suspicion means an expressible belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or drugs while at work. Circumstances which constitute a basis for "reasonable suspicion" may include, but are not limited to:

- A. Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.
- B. A report of alcohol or drug use by an employee while at work provided by a reliable and credible source.
- C. A pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to

an accident at work or while conducting County business while under the influence of alcohol or drugs.

- D. Evidence that an employee is involved in the unauthorized manufacture, distribution, dispensation, possession, sale, or use of alcohol or drugs while working or while on premises owned or leased by the County or operating a County vehicle, machinery or equipment or while conducting County business.
- E. Combative, abusive, violent or disruptive behavior (verbal or physical);
- F. Erratic behavior/mood swings;
- G. Relevant body or breath odors;
- H. Focus of investigation, arrest or conviction for drug related offense;
- I. Evidence of drug test tampering;
- J. A pattern of excessive absenteeism, tardiness or deterioration in work performance in combination with an observable occurrence as described above.

V. Additional Standards for the Sheriff's Department

- A. Testing: Each job finalist for employment as a law enforcement officer shall be subject to the additional drug testing policies and procedures of the North Carolina Department of Justice, Sheriff's Standards Division.
- B. Reporting Requirements: The Sheriff's Department will report all positive drug test results of applicants for sworn positions and current officers/employees within the department to the North Carolina Department of Justice, Sheriff's Standards Division.
- C. Consequences of a Positive Test Result: All sworn law enforcement personnel who test positive will be denied continued employment in a position requiring sworn status.

APPENDIX E

ALCOHOL AND DRUG FREE WORKPLACE POLICY FOR EMPLOYEES IN POSITIONS WHICH REQUIRE A COMMERCIAL DRIVER'S LICENSE

I. Purpose

This policy is a supplement to the Beaufort County Alcohol and Drug Free Workplace Policy and covers all County employees who must hold a commercial driver's license as a requirement of their job. In addition to the guidelines in Appendix D, Alcohol and Drug Free Workplace Policy, the following rules apply to employees covered under this policy.

II. Policy

- A. It is the policy of Beaufort County to comply with the Department of Transportation/Federal Highway Administration's regulations on controlled substances and alcohol use and testing for drivers of commercial motor vehicles.
- B. No employee shall use alcohol within four hours before going on duty or operating, or having control of, a commercial motor vehicle.
- C. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. An employee who reports to work whose breath alcohol test result indicates a 0.02 or greater level of alcohol in the employee's system will be considered to have a positive alcohol test.
- D. 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.
- E. If an employee is unable to provide a sufficient amount of breath to permit a valid alcohol breath test, he/she must provide a medical reason, supported by a licensed physician, for his/her inability 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 terminated.
- F. An employee with a positive alcohol or drug test will be subject to disciplinary action up to and including dismissal. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed with the Human Resources Director and/or County Manager.
- G. 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 alcohol test.

- H. An employee who is terminated as a result of a violation of this Policy shall be referred for evaluation and further counseling or treatment by a substance abuse professional. Beaufort County is not required to pay for treatment or reinstate the employee to his/her position.

III. Tests Required

- A. Pre-placement. Before an applicant, including a current County employee applying for a promotion or transfer, is placed in a position which requires a commercial driver's license, he or she must undergo testing for alcohol and drugs.
 - 1) Applicants determined to be final candidates for positions requiring a commercial driver's license 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.
 - 2) Applicants determined to be final candidates for positions requiring a commercial driver's license will also be required to submit to an alcohol screening. The applicant must have a breath alcohol test result of less than 0.02 to be considered for employment.
 - 3) An applicant who does not pass the drug or alcohol test will not be considered for employment in a position requiring a commercial driver's license for a two-year period following administration of the test. After a two-year period following the date of the test, the applicant will be considered only when:
 - a) such applicant provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse or rehabilitation program *and*;
 - b) such applicant passes a pre-placement drug and alcohol test.
- B. Post Accident. 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.

- 1) Post- accident drug and alcohol testing will be conducted on any driver or any other covered employee *not* in the vehicle 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 on the best information available at the time of the decision.
 - 2) An employee involved in an accident that requires a post-accident alcohol test shall not consume alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever comes first.
 - 3) A post-accident alcohol test shall be administered no later than eight hours following the accident. If the test is not administered within two hours, the department head must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the department head 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 within the eight-hour time frame, the employee shall not be allowed to remain on (or return to) duty until the alcohol test is administered and the employee's alcohol concentration measures less than 0.02.
 - 4) 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 department head 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.
- C. 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. (See also Appendix D – Alcohol and Drug Free Workplace Policy Section III. A. & Section IV.)
- 1) 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 or alcohol test(s) are released, whichever is earlier.

- 2) An alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion. If the alcohol test is not administered within two hours, the department head 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, the department head 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 within the eight-hour time frame, the following shall occur: a) 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; b) 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.
- 3) A drug test shall be administered within thirty-two hours following the determination of reasonable suspicion. If the drug test is not administered within thirty-two hours, the department head 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.

D. Random Testing. Employees affected by this policy will be subject to testing for alcohol and controlled substances on an unannounced basis throughout the year.

- 1) Computer-based, random numbers generated and matched with the employee's identification number will determine who is tested.
- 2) Selected employees will be transported immediately to the designated testing location.
- 3) A driver can only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. Safety sensitive functions would include but are not limited to: driving; inspecting,

servicing, or conditioning any commercial motor vehicle; 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; repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

- 4) The number of alcohol tests conducted annually shall equal or exceed 25 percent of the average number of County positions that require a commercial driver's license.
- 5) The number of drug tests conducted annually shall equal or exceed 50 percent of the average number of County positions that require a commercial driver's license.

E. Return to Duty. The County will require an alcohol and/or drug test before an employee returns to duty in a position which requires a commercial driver's license after he/she has engaged in prohibited conduct involving alcohol or controlled substances.

- 1) If the prohibited behavior involved alcohol, the employee must take a return-to-duty alcohol test with a result of less than 0.02.
- 2) If the prohibited behavior involved controlled substances, the employee must take a return-to-duty drug test with a negative or qualified negative result.
- 3) An employee who does not have a satisfactory result of a return-to-duty test will in no case be allowed to return his/her regular duties and will be subject to disciplinary action up to and including dismissal.

F. Follow-up. An employee returning to a position which requires a commercial driver's license following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol.

- 1) Once allowed to return to duty, an employee must submit to a minimum of six follow-up drug and/or alcohol tests within the first

twelve months following return to duty. Follow-up testing may be extended for up to 60 months.

- 2) An employee who does not have a satisfactory result of a follow-up alcohol and/or drug test will in no case be allowed to return his/her regular duties and will be subject to disciplinary action up to and including dismissal.

Note: In this policy the terms “drugs” and “controlled substances” are interchangeable and have the same meaning.

APPENDIX F GUIDELINES FOR INTERNET SERVICES

General Principles:

Internet services are provided by Beaufort County to support open communications and exchange of information and the opportunity for collaborative government-related work. The County encourages the use of electronic communications by its agencies and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required. Agencies of Beaufort County are expected to maintain and enforce this policy.

Internet communications to and from Beaufort County employees are presumed to be work-related. Beaufort County computers and any data stored in them are the

property of Beaufort County and may be accessed at any time by authorized officials of Beaufort County. Employees should not expect privacy in the use of Beaufort County computers.

At a minimum, users of Internet services provided by the County are expected to:

1. Inform themselves of this acceptable use policy and acceptable and unacceptable uses on the Internet in general. The burden of responsibility is on the user to inquire as to acceptable and unacceptable uses prior to use. Compliance with acceptable use restrictions is mandatory.
2. Use Beaufort County provided Internet services for government-related activities and not for personal business.
3. Respect the legal protection provided by copyright and license to programs and data.
4. Respect the privileges of other users.
5. Respect the integrity of computing systems connected to the Internet.
6. Know and follow the generally accepted etiquette of the Internet. For example, use civil forms of communication and avoid being drawn into "flame wars."
7. Avoid uses of the network that reflect poorly on their agency or Beaufort County.

Users should remember that existing and evolving rules, regulations, and guidelines on ethical behavior of government employees and the appropriate use of government resources apply to the use of electronic communications systems supplied by Beaufort County.

Specifically Acceptable Uses:

1. Communication and information exchange directly related to the mission, charter, or work tasks of a Beaufort County agency.

2. Communication and exchange for professional development, to maintain currency of training or education, or to discuss issues related to the user's Beaufort County activities.
3. Use in applying for or administering grants or contracts for Beaufort County's research and programs.
4. Use for advisory, standards, research, analysis, and professional society activities related to the user's Beaufort County work tasks and duties.
5. Any other governmental communications not requiring a high level of security.

Specifically Unacceptable Uses:

1. Use of the Internet for any purpose which violates a federal, state, or local law.
2. Use for any for-profit activities unless specific to the charter, mission, or duties of Beaufort County.
3. Uses for purposes not directly related to the mission, charter, or work tasks of the Beaufort County agency during work hours.
4. Use for private business, including but not limited to commercial advertising.
5. Use for access to and distribution of. a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated or patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibition of the genitals, b) Material sent or received in violation of the Protection of Children Against Sexual Exploitation Act of 1977, as amended, 18 U.S.C. 2552.
6. Use for access to and distribution of computer games that have no bearing on the agency's mission.
7. Use Beaufort County provided Internet services so as to interfere with or disrupt network users, services, or equipment.

8. Intentionally seeking out information on, obtain copies of, or modify files and other data which are confidential under federal, state, or local law, unless specifically authorized to do so once the legal conditions for release are satisfied.
9. No intentional copy is to be made of any software, electronic file, program, or data using Beaufort County provided Internet services without prior MIS approval.
10. User's intentionally representing themselves electronically as others, either on the Beaufort County internet work or elsewhere on the Internet unless explicitly authorized to do so by those other users. Users will not circumvent established policies defining eligibility for access to information or systems.
11. Intentionally developing programs designed to harass other users or infiltrate a computer or computing system and/or damage or alter the software components of same.
12. Beaufort County Personnel Rules restrict political activities of County employees while on duty. This includes using computer equipment and resources.

Additional Guidelines:

- A. Use by Contractors. Contractors and other non-Beaufort County employees may be granted access to Beaufort County provided Internet services at the discretion of the County Manager. Acceptable use by contractors and other non-County employees working for the county is the responsibility of the department head for which the contractor/non-employee is working. Department heads are expected to provide a copy of the policy to contractors.
- B. Logoff (Exiting). Always make a reasonable attempt to complete the logoff or other termination procedure when finished using a remote system or resource. This will help prevent potential breaches of security and corruption of files.
- C. E-Mail Security. Unencrypted electronic mail sent or received outside any department and on the Internet cannot be expected to be secure. All e-mail is property of Beaufort County and

as such is subject to monitoring by County representatives.

- D. File Transfers and Internet Capacity. The Internet connection is a shared resource. While routine electronic mail and file transfer activities won't impact other users much, large file transfers and intensive multimedia activities will impact the service levels of other users. Users contemplating file transfers or interactive video activities should receive prior approval from their department head or supervisor.
- E. Disclaimers. Users should avoid being drawn into discussions where disclaimers like "this represents my personal opinion and not that of the department or Beaufort County" need to be used. When using Internet services provided by the County, users need to remember that they are representing Beaufort County.

Procedures:

The agency head or their delegated representative are responsible for their employees' compliance with the provisions of this policy and for investigating noncompliance. When an instance of noncompliance with this policy is discovered or suspected, the agency shall proceed in accordance with departmental and Beaufort County personnel policies. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the County Internet work. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use policy. Discipline may be appropriate, and in some cases where laws are violated, criminal or civil action against users may be appropriate.

APPENDIX G
WORKERS COMPENSATION POLICY

- A. Workers' compensation is provided by statute to all County employees. It is regulated by the North Carolina Industrial Commission. The burden of proof is on the employee to establish as fact that he or she suffered an injury by accident and that it arose out of and in the course of County employment. Some occupational diseases are recognized as long as the disease is due to causes and conditions characteristic and peculiar to the employment; and the particular employment conditions must place the worker at greater risk than the general public of contracting the disease.

- B. It is the responsibility of the employee to immediately report to his or her supervisor or department head, any injury or illness as described above. The supervisor or department head is required to report this information immediately to the designated County office. All medical treatment must be approved by the workers' compensation insurance administrator. In case of an emergency, the employee should be transported immediately to the nearest emergency medical facility. The employee's supervisor or department head shall contact the emergency facility with instructions on submitting the medical records and charges directly to Beaufort County.

- C. An employee shall not be charged leave for time away from work on the day of the injury.
- D. It is the responsibility of the department head to immediately notify the County Human Resources office. A Personnel Action Form must be submitted placing the employee on leave without pay and reinstating the employee as appropriate.
- E. The first seven calendar days after an accident are not compensable under workers compensation unless the employee is out of work in excess of twenty one days or receives a PPD (permanent or partial disability) rating. During this “waiting” period, the employee has the option of using leave or leave without pay. If the employee chooses to use paid leave during the waiting period and ends up being out of work more than twenty-one days or receiving a PPD rating, the employee will be compensated through workers compensation for this time away from work, however, he/she will not be given the option of buying back the leave.
- F. Any full or partial days that the employee is away from work due to the injury/illness must be “excused” by a medical provider in order for workers compensation to compensate for the time away from work. After the seven day waiting period, if the absence is excused and filed with our workers compensation carrier, no leave should be charged and the employees pay should be adjusted (leave without pay) accordingly.
- G. Time spent by an employee in waiting for and receiving medical attention at the direction of the employer during the employee’s normal working hours on days when he/she is working constitutes hours worked. Note: Medical appointments related to a workers compensation injury are considered to be “at the direction of the employer” since our goal is for the employee to recover from the injury as soon as possible and this can best be achieved by the employee receiving complete and proper medical care.
- H. Workers' compensation pays up to two-thirds of average weekly wages as established at the time of injury. Average weekly wages will be determined by averaging the earnings for the fifty two (52) week period preceding the date of the accident or illness.
- I. The employee is not required to pay any medical charges on an approved workers' compensation claim. All payments made on a compensable

claim must be approved by the Industrial Commission. Workers' compensation paid to an injured employee must be by approved agreements. All medical charges must be submitted to the workers' compensation insurance administrator for payment on proper forms approved by the Commission.

- J. Reimbursement for prescriptions will be issued only after the employee submits proper forms. No reimbursement will be made for travel to and from the doctor or hospital unless travel is beyond a ten (10) mile radius and request for reimbursement is submitted by the employee on the proper form. Applicable forms must be completed in full and returned to the designated County office for processing.
- K. Failure to cooperate with the approved treating physician can result in termination of benefits.
- L. When an employee is released to work by the treating physician no further workers' compensation will be due.