

SCOTLAND COUNTY



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ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this policy is to establish a personnel system for Scotland County that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This policy is established under the authority of Chapter 153A, Article 5, and G.S. 126 of the General Statutes of the State of North Carolina.

Section 2. Coverage

- A. All employees in the service of Scotland County, including employees of the County Sheriff and the Register of Deeds are subject to this policy, except as provided in this section.
- B. Elected Officials, the County Manager, and the County Attorney are exempt from all provisions of this policy unless stated otherwise. .
- C. The following employees are covered only by the listed articles and sections:
 - 1. Employees governed by the State Personnel Act shall be subject to all articles except Article II.
 - 2. Employees of the North Carolina Co-operative Extension Service shall be subject to all Articles except Articles II, III, IV, and VII.
 - 3. The Director of Elections shall be subject to all articles except Articles IV, V, VIII, and IX.
 - 4. Employees of the County Sheriff and the Register of Deeds shall be subject to all articles except Article VIII.
 - 5. Temporary employees, as designated by the Scotland County Board of Commissioners, shall be subject to all articles except Articles VI and VII.

Section 3. Definitions

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 original date of employment in a permanently established position with Scotland County.

Appointing Authority. Employee or board with the legal authority to make hiring decisions. Appointing authorities are:

<u>Position</u>	<u>Appointing Authority</u>
County Manager	Board of Commissioners
Asst. County Manager	County Manager
Finance Officer	Board of Commissioners
Deputy Finance Officer	Board of Commissioners
Department Heads	County Manager
Health Director	Board of Health
Health Department Employees	Health Director
Social Services Director	Board of Social Services
Social Services Dept. Employees	Social Services Director

Sheriff	(Elected)
Sheriffs' Department Employees	Sheriff
Register of Deeds	(Elected)
Register of Deeds' Employees	Register of Deeds
Tax Assessor	Board of Commissioners
Elections' Director	Board of Elections
Elections' Employees	Elections' Director
All County Employees (not included above)	County Manager

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

Competitive Service Employee. (Also known as State Personnel Act Employee) An employee of the Department of Social Services and the Department of Public Health receiving federal grant-in-aid funds and subject to the State Personnel Act.

Cost-of-Living Increase. An annual adjustment that may be made by the Board of Commissioners to all pay ranges effective July 1 of each year.

County Administrative Policy. Administrative procedures, deadlines, etc. necessary for implementation of policy as determined by the County Manager and/or his/her staff (also referred to as Office of Administration).

County Administrative Staff. Employees who are housed in the County Office of Administration and are under the direct supervision of the County Manager.

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

Department Heads. Employees who are responsible for the organization and administration of specific County departments. For the purposes of this policy Directors of the Health Department and Social Services Department as well as Elections Director will be included where “department head” is mentioned.

Designee. An employee who has been designated to make decisions or conduct business on behalf of another employee.

Full-time Employee. An employee appointed to a permanently established position who is regularly scheduled to work not less than the number of hours per workweek designated by the Board of Commissioners as full time.

General County Employee. A County employee not subject to the State Personnel Act.

Grievance. Any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the county.

Hiring Rate. The salary paid an employee when hired into county service, normally the minimum of the salary range.

Immediate Family. The term *immediate family* means an employee’s wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from the family members named herein.

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

Merit Increase. An increase in salary above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position as recommended by the department head and approved by the County Manager.

Part-Time Employee. An employee appointed to a permanently established position that is regularly scheduled to work less than the number of hours per workweek designated by the Board of Commissioners as full time and is paid on an hourly basis.

Pay Plan. A schedule of pay ranges arranged by sequential rates including minimum, intermediate, and maximum steps for each class assigned to a salary range.

Performance Evaluation System. A review to assess an employee's work performance.

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

PRN Employee. Employees who work a discretionary schedule or on an "as needed" basis, as determined by the department head. This appointment is not entitled to benefits and is paid on an hourly basis.

Probationary Period. A working test period of twelve months for all County employees. During this time, an employee is required to demonstrate, by actual performance, his/her ability to perform the work required and his/her general suitability as an employee of the County.

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

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

Regular Employee - A person appointed to serve in a position for an indefinite duration and who has successfully served a probationary period.

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

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

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

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

Salary Schedule. A listing by grade and step of all the approved maximum, intermediate, and minimum salary ranges authorized by the Board of Commissioners for various position classifications of county government for hiring purposes.

Temporary Employee - An employee regularly scheduled to work either on a full-time or part-time basis, for a period not to exceed twelve (12) months.

Work Against Employee - When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation.

Section 4. Merit Principle

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and fitness. All positions requiring performance of substantially similar and equal responsibilities will be assigned to the same class and the same salary range. No employee or applicant for County employment 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, non-disqualifying handicap, or age.

Section 5. Responsibility of the Board of Commissioners

The Scotland County Board of Commissioners (hereinafter referred to as the Board of Commissioners) shall establish and amend personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when required by law.

Section 6. Responsibility of the County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration and technical direction of the personnel program. The County Manager shall appoint, suspend, and remove all county officers and employees, except those elected by the people or those whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions and determine conditions of employment in accordance with G. S. 153A-82 and the policies and procedures defined in this personnel policy. The County Manager shall be responsible for interpreting policies when necessary and recommending to the Board of Commissioners policy changes and new policies. The County Manager shall periodically issue administrative and technical bulletins to interpret personnel policy and provide for administrative procedures.

Section 7. Responsibility of the Personnel Director

The County Manager shall appoint a Personnel Director who shall assist in the preparation and maintenance of the position classification plan and the pay plan and perform such other duties in personnel administration as the County Manager and/or his/her designee shall require.

Section 8. Responsibility of Department Head(s)

Each department head shall be responsible for the organization and administration of his/her department in accordance with all applicable federal, state and county policies and regulations including this personnel policy and County Administrative Policy.

Section 9. Responsibility of County Employees

Every job with Scotland County is important. The manner in which Scotland County Employees serve the public affects to a large extent the public relations of County Government. The people of the County form their opinions of County Government from their contact with individual employees. The responsibility of **all** Scotland County Employees is to serve all of the people of the County with efficiency and courtesy. Scotland County expects each employee to treat all citizens with fairness assuring that special privileges are given to none. Each Scotland County employee is also accountable for adhering to the Customer Service Standards, which is established as Administrative Policy, as approved and amended by the County Manager.

Section 10. Violations of Policy Provision

An employee who violates any of the provisions of this policy, or administrative policies as approved by the County Manager, may be subject to suspension, demotion, or dismissal in addition to any civil or criminal penalty, which may be imposed.

ARTICLE II. POSITION CLASSIFICATION PLAN

Refer to stand along policy, Position Classification Plan, HR017

ARTICLE III. THE PAY PLAN

Section 1. Adoption

Section 2. Maintenance

Section 3. Administration

Section 4. Hiring Rate/Starting Salary

Section 5. Salary Upon Completion of Probationary Period

Section 6. Payment at a Listed Rate

Section 7. Trainee Salaries

Section 8. Pay Rates in Promotion, Demotion, Transfer, Reclassification and Reinstatement

Section 9. Pay After Employment Required Certification(s)

Section 10. Pay for Temporary Assignment

Section 11. Pay for Part-time Work

Sections 1 - 11: Refer to stand alone policy, Compensation and Salary Administration, HR017

Section 12. Overtime

Refer to stand alone policy, Overtime HR018.

Section 13. Payroll Deductions

Section 14. Payroll Procedure

Section 15. Termination Pay

Section 16. Effective Date of Salary Adjustments

Sections 13 - 16: Refer to stand alone policy, Compensation and Salary Administration, HR017

Section 17. Longevity Pay

Reference to stand alone policy, Longevity Pay, HR019

ARTICLE IV. RECRUITMENT AND SELECTION STANDARDS

Section 1. Equal Employment Opportunity Statement

Section 2. Recruitment-Responsibility of the Personnel Director

Section 3. Position Vacancy Announcements

Section 4. Application for Employment

Section 5. Applicant Tracking

Section 6. Qualification Standards _____

Section 7. Selection

Section 7.5 Residency Requirement

Section 8. Appointments

Section 9. Types of Appointments and Duration

Section 10. Promotion

Section 11. Demotion

Section 12. Transfer

Sections 1 – 12: Refer to stand alone policy, Recruitment and Selection Standards, HR022

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Week

Refer to stand alone policy, Work Week, HR024

Section 2. Gifts and Favors

Refer to stand alone policy, Gifts and Favors, HR025

Section 3. Political Activity Restricted

Refer to stand alone policy, Political Activity, HR026

Section 4. Unlawful Workplace Harassment

Reference Revised Policy: HR007 Unlawful Harassment, dated 02/05/2018

Section 5. Outside Employment

The work of the County takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must have prior written approval from 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. 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.

Employees who are out of work under the provisions of the Family Medical Leave Act (FMLA), Worker's Compensation or Leave Without Pay for sick leave purposes are prohibited from engaging in any outside employment during the period of leave.

Section 6. Limitation on Employment of Relatives

Refer to stand alone policy, Employment of Relatives, HR028

Section 7. Travel Expense and Reimbursement Policy

Refer to stand alone policy, Travel Expense and Reimbursement Policy, SC004.

Section 8. Use of County Property

Refer to stand alone policy, Use of County Property, HR030

Section 9. Age Limitations

Refer to stand alone policy, Recruitment and Selection Standards, HR022

Section 10. Solicitation

Employees are prohibited from participating in any type of solicitation during work time. Solicitation may occur during breaks, lunch, and before and after work if done on a strictly volunteer basis. Solicitation must be conducted in such a way that no employee feels pressure to participate. Solicitation includes selling items for fund raising or for personal profit.

Section 11. Safety

The County Manager shall appoint a safety committee composed of representatives from various departments. This committee will coordinate safety efforts within County Government and make recommendations to the department heads and/or the County Manager concerning safety practices and reporting. The County Manager is authorized to develop and enforce Administrative Safety Policies and Procedures as approved by the Board of Commissioners.

Section 12. Smoking Policy

Refer to stand alone policy, Smoke and Tobacco Free Grounds and Facilities, HR032

Section 13. Concealed Weapons

Ordinance #25, adopted by the Scotland County Board of Commissioners on November 06, 1995, prohibits the carrying of concealed handguns on Scotland County premises.

Section 14. Testing

Refer to stand alone policy, Recruitment and Selection Standards, HR022

Section 15. Medical Examination

Medical examinations will be required for all Sheriff, Jail and Emergency Medical Services personnel with the exception of administrative staff. Medical examinations may be required for other job classifications as determined by department heads and/or the County Manager. Medical examinations may be given only after an offer of employment has been made to an applicant and prior to the commencement of the employment duties of the applicant. However, all entering employees in the same job category must also be subjected to an examination. The information gained in the examination must be maintained separately and confidentially as required by law. If the medical examination reveals the applicant has a disability, the County may not refuse to hire the applicant if the disability can be reasonably accommodated in accordance with the ADA. Any examination required by the County shall be at the expense of the County.

The County may require a medical examination (fitness for duty) or the medical monitoring of current employees if job-related and consistent with business necessity. However, if not job related and consistent with business necessity, no employee shall be required to take a medical examination and the County shall not make inquiries as to whether or not the employee has a disability or as to the nature or severity of the disability. Such examination, if required, shall be at the expense of the County and by a physician selected by the County.

Section 16. Substance Abuse Policy

Refer to stand alone policy, Substance Abuse Policy, HR003

ARTICLE VI. LEAVES OF ABSENCE

Section 1. Coverage

Refer to each individual policy.

Section 2. Holidays Observed

Refer to stand alone policy, Holiday Observed, HR011.

Section 3. Effect of Holidays on Other Types of Paid Leave

Refer to stand alone policy, Holidays Observed, HR011.

Section 4. Holidays - When Work is required

Refer to stand alone policy, Holidays Observed, HR011.

Section 5. Adverse Weather Conditions

Policy Eliminated. Refer to Administrative Leave Policy HR040

Section 6. Annual Leave

Refer to stand alone policy, Annual Leave HR013

Section 7. Sick Leave

Refer to stand alone policy, Sick Leave HR014

Section 8. Leave Without Pay

Refer to stand alone policy, Leave Without Pay HR034

Section 9. Family and Medical Leave Act Policy

Refer to stand alone policy, Family and Medical Leave Act HR035

Section 10. Military Leave

Refer to stand alone policy, Military Leave, HR036.

Section 11. Civil Leave

Refer to stand alone policy, Civil Leave, HR037.

Section 12. Personal Leave

Refer to stand alone policy, Petty Leave, HR038.

Section 13. Educational Leave

Refer to stand alone policy, Educational Leave, HR039

Section 14. Administrative Leave

Refer to stand alone policy, Administrative Leave, HR040

Section 15. Voluntary Shared Leave

Refer to stand alone policy, Voluntary Shared Leave, HR041

Section 16. Workers' Compensation Policy

Refer to stand alone policy, Workers' Compensation Policy, HR042

ARTICLE VII. EMPLOYMENT BENEFITS

Section 1. Coverage

Employee benefits are available for all regular, full time employees and part-time employees working at least thirty-two hours per week. Employees who work less than thirty-two hours per week and are on the County payroll at the time this personnel policy is adopted by the Board of Commissioners shall continue to receive all benefits accorded to them prior to the policy adoption date.

The benefits provided for under the provisions of this article are subject to the policies and procedures of the respective insurance providers and/or underwriters and Scotland County does not guarantee or warrant any benefits.

Section 2. Group Health and Dental Insurance

A. The County shall make medical insurance coverage available to all regular, full-time employees and part-time employees working at least thirty-two (32) hours per week. A minimum waiting period of thirty (30) days will be required before the coverage takes effect.

B. Dental coverage is also available at the employee's option. There is a three (3) month waiting period for dental coverage.

C. The employee may elect to obtain dependent health and/or dental coverage at his/her own expense through payroll deduction.

Sections D - F.

Refer to stand alone policy, Retiree Benefits, HR044

Section 3. Group Life Insurance

A. Employees who are regularly scheduled to work on a permanent basis for at least thirty-two (32) hours a week shall be eligible for life insurance on the date first reporting for work. Employees may, at their own expense through payroll deduction, acquire insurance for their dependents. In some instances, employees' may be required to submit proof of good health to place life insurance in force. The insurer will determine the type and form of required proof.

Sections B - D

Refer to stand alone policy, Retiree Benefits, HR044

Section 4. Unemployment Compensation

County employees who are laid off or dismissed from County service may apply for unemployment compensation through the local office of the Employment Security Commission. The Employment Security Commission will determine eligibility for unemployment compensation.

Section 5. Social Security

The County, to the extent of its lawful authority and power, shall extend to its eligible employees benefits authorized by Title II of the Federal Social Security Act as amended. The federal Social Security program provides monthly benefits upon retirement, with full benefits available at age sixty-five (65) and reduced benefits available as early as age sixty-two (62), or as amended.

Section 6. Retirement Plan

All regular employees who work a minimum of 1,000 hours per year are required to enroll in the North Carolina Local Governmental Employees' Retirement System. The County will pay the employer's portion and deduct the employee's portion from his/her paycheck monthly. Enrollment is effective upon the employee's first day of employment with the County.

Section 7. Death Benefit

The beneficiary of an employee who dies after one year of contributing to the North Carolina Local Governmental Employees' Retirement System AND while still being paid a salary by the County will receive a single lump sum payment. This payment equals the highest twelve (12) months' salary in a row during the twenty-four (24) months before the employee's death, but not less than \$25,000 and no more than \$50,000. This benefit is also paid if the employee dies within 180 days of the last day for which he/she was paid salary.

Section 8. Law Enforcement Officers' Separation Allowance

The County shall provide a special separation allowance as required by NC G.S. 143-166.41 and .42, as amended. Payment of the separation allowance, will cease at the first of: (a) the last day of the month in which the officer reaches age sixty-two (62); (b) the death of the officer; (c) the first day of re-employment by a unit of Local Government.

Section 9. Separate Insurance Benefits Plan for Law Enforcement Officers

Scotland County Law Enforcement Officers shall be eligible for benefits under **North Carolina General Statute 143-166.60. Separate Insurance Benefits Plan for Law Enforcement Officers.** This plan provides accident/sickness disability and life benefits and is state-administered by the Boards of Trustees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees Retirement System and is funded by establishment of a trust fund "...derived from the cost of court provided for in G.S. 7A-304(a)(3),..." Scotland County's participation in this plan is limited to providing brochures explaining this plan and claim forms which can be obtained from the County Personnel Office.

Section 10. Supplemental Retirement Plan (401K)

State law requires each County to place an amount equal to a specified percentage of the gross annual salary for all certified law enforcement personnel in a 401K Savings Plan. All other County employees can voluntarily place a portion of their pre-tax salary, up to the lawful

maximum amount, in the 401K Savings Plan. The County will provide matching funds for non-law enforcement employees as determined by the Board of Commissioners.

Section 11. Workers' Compensation

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive Workers' Compensation benefits. Employee health and dental benefits will remain effective during the disability. The employee will only be responsible for premiums that are normally deducted from his/her paycheck. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

For more information concerning Workers' Compensation, refer to the bulletin issued by the N. C. Industrial Commission entitled, "Information About the North Carolina Workers' Compensation Act". A copy is available in the County Personnel Office.

Section 12. Adverse Medical Reaction to Work Related Smallpox Vaccination Leave

Purpose: It is the intent of Scotland County to comply with the NC General Assembly Session Law 2003-169, House Bill 273. This is an Act to ensure that employees who receive vaccination against Smallpox incident to the Administration of Smallpox Countermeasures by Health Professionals under Section 304 of the Federal Homeland Security Act of 2002 will be covered for adverse medical reactions due to the vaccination.

Policy: All incidents of adverse medical reaction due to a County employee receiving in employment smallpox vaccination, as contemplated by Session Law 2003-169, are covered by the North Carolina Workers' Compensation Act in the same manner as other workplace injuries or illnesses. This coverage does not depend upon voluntariness. All such vaccinations through the National Smallpox Vaccination Program will be covered.

Procedure:

- Any employee who has an adverse medical reaction to a work-related smallpox vaccination must file a Workers' Compensation claim using the Workers' Compensation Guidelines and Procedures as established by the County Manager.
- In the event the employee is absent from work due to the adverse reaction, the employee will be placed on Administrative Leave during the required waiting period for Workers' Compensation wage benefits, and the absence will not be counted against their accrued annual, sick, personal, or compensatory leave. The County will require the employee to obtain certification from a health care provider justifying the need for leave after the first 24 hours of leave taken pursuant to this policy.

- In the event that the employee is absent from work for more than seven days, the employee will be placed on Workers' Compensation Leave whereby they are eligible for weekly wage benefits at a rate of 66.67% of their average weekly salary rate.
- The employee may choose to supplement the Workers' Compensation weekly wage benefits by the partial use of accrued annual and/or sick leave for the remaining one third of the salary in accordance with the Workers' Compensation Leave Policy.
- Any employee who contracts vaccinia (the virus in the smallpox vaccine) by living in the same house as someone who has been vaccinated as part of the National Smallpox program, may take accrued annual, sick, or compensatory leave in accordance with the respective leave policies.

Section 13. Training and Educational Incentives

Scotland County, will, if funds are available, provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops, which relate directly to the employees' duties and responsibilities with the County. Reimbursement for expenses will be limited to registration fees, mileage at the rate determined by the Board of Commissioners, meals and lodging.

As a condition of incurring the expense of training and/or education of an employee, the county may require the employee to execute a contract dictating the terms of the training or education. These terms include, but are not limited to, the repayment of training expenses if the employee terminates employment with the county. The repayment term of this contract is not to exceed five years of service from the completion of training or education.

Section 14. Employee Assistance Program

The purpose of the Employee Assistance Program (EAP) is to provide Scotland County employees and their families with confidential rehabilitative services for the correction of emotional, psychological, psychiatric, stress-related, substance dependence, and legal problems, etc. These disorders or problems, if left uncorrected, will result in a decreased quality of life for those affected and their families and will often result in work deficiencies, including decreased productivity, increased absenteeism, unacceptable job conduct, work injuries, increased medical care usage, poor judgment and decision-making ability, work-group conflicts, poor morale, safety hazards to the public and co-workers, and negative consequences to our employees and the community.

The following EAP policy reflects Scotland County's position that employees and their family members who suffer from these problems will receive proper consideration and full opportunity for high-quality treatment through the provisions of the EAP, while concurrently providing a cost-controlled, efficient, and safe work force.

Policy: The Employee Assistance Program is paid for by Scotland County and is a component of the overall employee benefit package. Strict confidentiality is essential and will be maintained. While there may be occasions when a supervisor will suggest, or refer an employee to the EAP,

the program should in no way be construed as disciplinary. It is voluntary and is provided to help the employee sort through difficulties that may affect their job performance.

- Eligibility:
- All full-time and regular part-time employees are eligible
 - Members of the employee's immediate household are eligible.

Self-Referrals: Employees are encouraged to utilize the EAP as the need for professional help or guidance arises and may access the EAP directly by phone. Help is available 24 hours a day, 7 days a week. No employee's job security or promotional opportunities will be jeopardized due to participation in the program. This call is absolutely confidential.

Supervisory Referrals: In those cases where it is necessary for a supervisor to refer an employee to the EAP program due to poor performance or personal conduct to avoid the necessity for disciplinary action, it is the employee's responsibility to cooperate in the designated treatment or rehabilitation plan in order to address conditions apparently causing the poor performance or personal conduct on the job. Any employee whose performance or personal conduct does not improve, or continues to deteriorate, remains subject to the normal disciplinary actions in accordance with the County's Personnel policies. The Administrative Procedure for Supervisory Referrals is available in the Personnel Director's office.

Referrals to Network Healthcare Providers: In some cases, it is necessary for an employee to be referred by the EAP to another health care provider for additional or specialized services. In these cases, the EAP professionals are well acquainted with the County's Health Plan and will make the appropriate network referral ensuring that the employee may maximize their health care benefits. Any referral expenses incurred beyond that which is covered by the insurance plan, will be the responsibility of the employee. Those potential costs will be discussed between the employee and the EAP counselor in advance to consider options for meeting the expense, and the employee has the final choice of whether to accept the referral.

Implementation of Policy: Implementation of the policy will not require or result in any special regulations, privileges, or exemptions from the County's other Personnel policies or procedures applicable to conditions of employment or job performance.

Section 15. Other Benefits

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and may be payroll deducted. These deductions include but are not limited to the following:

- A. Flex Plan - provided by Section 125 of the Internal Revenue Code, allowing employees to spend pretax dollars on insurance premiums. Also included in the Flex Plan are pretax deductions for uncovered medical expense reimbursement and day care expense reimbursement;
- B. United Way Contributions;
- C. Credit Union deductions; and

D. Any miscellaneous insurance premiums as authorized by the Board of Commissioners.

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 types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, death or dismissal. **All department heads shall consult with the County Manager prior to implementing any separation and/or disciplinary action within their departments.** Agency directors of employees subject to State Personnel Act, as well as the Sheriff and the Register of Deeds, are encouraged to inform the County Manager prior to implementing any separation and/or disciplinary action.

Section 2. Resignation

An employee who desires to terminate his/her employment with the County must give written notice to his/her department head, with copy to County Personnel Office, at thirty (30) days prior to his/her last intended day of employment. This must be a working notice. Annual Leave or sick leave will not count towards working notice. Any request for Personal Leave will not be approved once the resignation has been tendered. An employee who does not provide the required notification shall have recorded on his/her service record that he/she resigned without giving proper notice. Department Heads have the authority to waive or reduce the duration of the notice requirement at the point the resignation is given and accepted. Final pay will be subject to Article III, Section 15 Termination Pay. If an employee resigns and their last date of employment is the day before a holiday, the employee will only be paid through last day of work and will not receive holiday pay. Department heads shall immediately notify the County Personnel Office upon learning of the resignation of any employee.

Section 3. Voluntary Resignation Without Notice

An employee voluntarily terminates employment by failing to report to work without giving written or verbal notice to his/her supervisor. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the supervisor/department head has undertaken reasonable efforts, to locate the employee and determine when or if the employee is intending to return to work **and** supervisor/department head has consulted with the County Manager.

This provision also applies when the employee is absent for at least three consecutive, scheduled workdays, has been instructed verbally or in writing of a specific manner of reporting by management, and does not report in to the appropriate supervisory personnel on a regular basis satisfactory to the supervisor/department head.

Such separations as described above are voluntary separations from County employment and create no right of grievance or appeal pursuant to the County's personnel policy.

Section 4. Separation Due to Unavailability When Leave is Exhausted

An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all applicable leave credits and benefits have been exhausted and the County does not grant a leave without pay for reasons deemed sufficient by the County Manager. (See Article VI. Section 8.) Such reasons include but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation, and not a disciplinary dismissal as described in G.S. 126-35, and may be grieved or appealed.

Prior to separation the supervisor/department head, with approval of the County Manager, shall meet with or at least notify the employee in writing, of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are not possible, the supervisor/department head, with approval of the County Manager, must notify the employee of that fact and the proposed date of separation. If the proposed accommodation or alternative accommodations are being reviewed, the supervisor/department head, with approval of the County Manager, must notify the employee that such accommodations are under review and give the employee a projected date for a decision on this.

Involuntary separation pursuant to this policy may be grieved or appealed. The supervisor/department head, with the approval of the County Manager, must also give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's right of appeal.

Section 5. Reduction in Force

For reasons of curtailment of work, reorganization, or lack of funds the County Manager, or the appointing authority, may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. Employees who are separated because of reduction in force shall be given at least two (2) weeks notice. No regular employee shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the permanent employee is not willing to transfer to the position held by the non-regular employee, or the regular employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. A regular employee who is separated by reduction in force may be reinstated at any time in the future that suitable employment becomes available, however, the employee must meet the current minimum education and experience standard for the class which he/she is being appointed. The employee may also be subject to a probationary period as with an initial appointment. Regular recruitment activities for positions under the appointing authority of the County Manager will be suspended until vacancies are filled by qualified employees of the County who have been separated or are subject to separation due to reduction in force.

Section 6. Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. The employee or the County may initiate action for disability separation, but in all cases it shall be supported by medical evidence as certified by a competent physician and reported **immediately** to the County Manager. The County may require a physical and/or mental examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, an effort shall be made to make reasonable accommodations that will allow the employee to continue working in his/her current position or to locate alternative positions within County service for which the employee may be suited. To discharge the employee the disability must be such that a reasonable accommodation cannot be made; and/or it is job-related to both major job-task functions and business necessities.

Section 7. Retirement

County employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System. Any employee who is planning to retire must submit a written request to the County Personnel Office three (3) months prior to the planned effective retirement date. Those employees retiring from County service shall be paid for all annual leave and “comp time” not used. Employees may apply unused sick leave to retirement credit.

Section 8. Death

All compensation due an employee who dies while employed by the County will be paid to the estate of the deceased employee. The date of death shall be recorded as the separation date for computing compensation due. The County shall make every effort to notify the deceased's beneficiary or estate administrator concerning compensation to the estate. Departments shall immediately notify the County Personnel Office of an employee's death and their next of kin.

Section 9. Reinstatement

Reinstatement in County service occurs when: (Please note that the following are listed as examples and are not meant to be all inclusive.)

A. An employee resigns while in good standing and later wishes to be reappointed to the same or comparable position in the same or other department. The reinstatement must have the approval of the appointing authority and the County Manager, and in the case of competitive service employees, in accordance with Personnel Policies for Local Government Employees Subject to the State Personnel Act.

B. An employee in good standing, whose separation from employment is due to Reduction in Force, as described in Section 5 of this Article, and is re-hired in same or other County Department.

C. An employee whose separation from employment results from the discretionary exercise of the statutory authority of an elected official and is not due to disciplinary reasons, and whom is rehired in same or other County Department.

1. Reinstatement within 45 days: When the reinstatement of employee, as described in Parts A-C of this section, occurs within a 45 day period following the last date of employment, the employee will be given credit for previous Scotland County service for eligibility for all county benefits (example: eligibility for County Group Health Plan option, County Retiree health and life benefits, longevity, annual leave accrual, Law Enforcement Officers' Separation Allowance, etc.)
2. Reinstatement from 46 days – 1 year: When the reinstatement of employee, as described in Parts A-C of this section, occurs between 46 days – 1 year following last date of employment, the employee will be credited with their previously accrued sick leave balance, and the employee will be eligible for credit for previous Scotland County service for annual leave accrual purposes only.
3. Reinstatement after 1 year: When the reinstatement of employee, as described in Parts A-C of this section, occurs after 1 year following last date of employment, the employee will be eligible for credit for previous Scotland County service for annual leave accrual purposes only, upon approval of County Manager.

D. 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 10. Disciplinary Actions

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the department head with **the approval of the County Manager**. All disciplinary actions shall be reported in writing to the County Personnel Office immediately.

Probationary employees: Separation from service, without right of appeal or hearing, may occur at any time during an employee's probationary period for causes related to performance of duties or for failure in personal conduct. The probationary employee must be given notice of dismissal, including reasons. .

Regular Employees: Disciplinary action, up to and including dismissal, may be taken against regular employees only for just cause related to unsatisfactory job performance, including grossly inefficient job performance, and unacceptable personal conduct. When just cause exists the only disciplinary actions provided for under this Section are (1) written warning; (2) disciplinary suspension without pay; (3) demotion; and (4) dismissal. Unsatisfactory or grossly inefficient job performance and unacceptable personal conduct are not mutually exclusive as certain actions by employees may fall into both categories. Violations of the County Safety Policy will constitute grounds for disciplinary action as described below. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority and shall comply with the procedural requirements of this Article.

A. Disciplinary Actions for Unsatisfactory Performance of Duties - Unsatisfactory work performance is work related performance that fails to satisfactorily meet job requirements as specified in the employee's job description, work plan or as directed by the supervisor, department head, and the County Manager. The intent of this section is to assist and promote improved employee performance, rather than to punish.

Verbal Counseling (education) may be given by an immediate supervisor to an employee, related to unsatisfactory job performance. This counseling should be given as soon as any failure in performance is recognized and is a pre-requisite to any performance related disciplinary action other than grossly inefficient job performance. The standards of satisfactory job performance must be clearly explained and the supervisor is expected to seek out all the facts associated with any problem in performance. The employee must be instructed as to what specific action is required to meet the job standards, the time expected to meet the standards, and what disciplinary action will result from continued failure in performance. This counseling is a non-disciplinary process and cannot be considered as a progressive disciplinary step in meeting the requirements for suspension, demotion, or dismissal.

Disciplinary actions administered under this section are intended to bring about a permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with any additional unsatisfactory performance with further disciplinary action. This category covers all types of performance related inadequacies and does not require that successive disciplinary actions all relate to the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.

In order to be dismissed for a current incident of unsatisfactory job performance an employee must first receive at least two (2) prior disciplinary actions: First, one or more written warnings; followed by a warning or other disciplinary action which notifies the employee that failure to make the required performance improvements may result in dismissal. Second, prior to the decision to dismiss an employee, the department head must conduct a pre-dismissal conference with the employee in accordance with the procedural requirements of this Section. An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

B. Disciplinary Actions for Grossly Inefficient Job Performance - Gross inefficiency in job performance occurs when an employee fails to satisfactorily perform job requirements as specified in the job description, work plan or as directed by the supervisor, department head and the County Manager and that failure results in

1. The creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
2. The loss of or damage to County property or funds that creates a serious impact on the County, the department and or work unit.

Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable personal conduct. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action. However, the supervisor may elect to use the progressive disciplinary steps as described in this Section.

Prior to dismissal of a regular employee on the basis of grossly inefficient job performance, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with procedural requirements of this Article.

C. Disciplinary Actions for Failure in Personal Conduct - In order to avoid undue disruption of work, to protect the safety of persons or property, and/or for other serious reasons, an employee may be suspended, demoted, or dismissed for causes relating to unacceptable personal conduct. The following definitions are representative and not meant to be an exclusive list of conduct considered to be adequate grounds for suspension, demotion or dismissal: Unacceptable personal conduct is conduct for which no reasonable person should expect to receive prior warning; or job related conduct which constitutes a violation of state or federal law; or conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County; or the willful violation of known or written work rules; or conduct unbecoming an employee that is detrimental to the County's service; or the abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County; or the use and/or possession of any illegal drug, the misuse of legally prescribed drugs, and the use and/or possession of illegally obtained prescription drugs, and the use and/or possession of alcohol; or the unauthorized and/or illegal use and/or possession of a weapon; or falsification of an employment application or other employment documentation; or absence from work after all authorized leave credits and benefits have been exhausted; or insubordination, which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal may be imposed without prior warning.

Employees may be dismissed on the basis of a current incident of unacceptable personal conduct without any prior disciplinary action. However, the supervisor may elect to use the progressive disciplinary steps as described in this Section. Prior to dismissal of an employee on the basis of unacceptable personal conduct, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with procedural requirements of this Article.

D. Disciplinary Actions Related to HIPAA Privacy Rule Violations

Purpose: It is the intent of Scotland County for all employees to follow department policies and procedures related to the privacy of health information as outlined in the HIPAA Privacy rules. Each employee will ensure they conduct county business in a manner that protects client's health information and does not intentionally or unintentionally disclose or discuss this information without client consent. The privacy rules require disciplinary action to be taken when there is a violation of HIPAA.

Policy: Scotland County employees who are exposed to protected health information in the course of their employment will not share, disclose or discuss this information with any other individual unless such disclosure is necessary for payment, treatment or operational purposes as outlined in the HIPAA regulations. If a disclosure is made intentionally or unintentionally, personnel action will occur based upon the nature of the violation.

Procedure:

1. Any employee having knowledge of a possible intentional or unintentional HIPAA Privacy violation will report such violation immediately to the Department Privacy Officer.
2. Department Privacy Officer and Agency Director will investigate violation.
3. If violation is substantiated, Department Privacy Officer will notify client of violation according to department policy and procedure.
4. Department Privacy Officer, Department Director and County Privacy Officer will consult with County Personnel Officer and when appropriate, Office of State Personnel, to develop an appropriate personnel action plan according to the nature of the violation.
5. If violation was unintentional, employee will receive a verbal counseling with the understanding that should another violation occur in this manner, formal disciplinary action will occur, in accordance with the procedures described in Article VIII of the Scotland County Personnel Policy.
6. If violation was intentional, employee will receive formal disciplinary action. An intentional violation is an unacceptable personal conduct issue related to job related conduct that violates a federal law. It may also be deemed insubordination when an employee willfully violates agency policies and procedures related to the HIPAA privacy rules.
7. Any level of discipline may be imposed for unacceptable personal conduct without prior warning to include a written warning, suspension or immediate termination.

NOTE: Any disciplinary action will be issued in accordance with the Scotland County Personnel Policy or, as applicable, the Personnel Policy for Local Government Employees Subject to the State Personnel Act.

E. Progressive Disciplinary Steps and Procedural Requirements

1. **Written Warning:** The supervisor shall monitor and promote the satisfactory performance of work assignments and acceptable standards of personal conduct. All types of performance related job inadequacies could constitute unsatisfactory job performance under this Article. Unacceptable personal conduct can be work related or non-work related conduct and may be intentional or unintentional. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor *may elect* to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. A written warning detailing the matters listed below must be issued in accordance with the procedural requirements of this Section including any applicable appeal rights. The written warning must:
 - a. inform the employee that this is a written warning and not some other non-disciplinary process such as counseling;
 - b. inform the employee of the specific issues that are the basis for the warning;
 - c. Include a written corrective action plan that addresses the following:

- Tells the employee what specific improvements, if applicable, must be made to address these specific issues;
- Tells the employee the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct.
- Tells the employee the consequences of failing to make the required improvements/corrections and complying with the corrective action plan.

2. **Disciplinary Suspension Without Pay:** An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior disciplinary action. An employee may be suspended without pay at any time for unacceptable personal conduct or grossly inefficient job performance. 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.

A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but not more than two work weeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but not more than two full work weeks. Prior to placing any employee on disciplinary suspension without pay the department head shall conduct a pre-suspension conference with the employee in accordance with the procedural requirements for pre-dismissal conference of this Section.

To place an employee on disciplinary suspension without pay, the department head must comply with the following procedural requirements:

- a. In matters of unsatisfactory job performance, the employee must have received at least one prior disciplinary action. In matters of grossly inefficient job performance or unacceptable personal conduct no prior disciplinary actions are required so an employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct.
- b. Schedule and conduct a pre-suspension conference. Advance oral or written notice of the conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances.
- c. Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension.
- d. Advise the employee of any applicable appeal rights in the document affecting the suspension.

3. **Disciplinary Demotion:** Any employee may be demoted as a disciplinary measure. Disciplinary demotions may be accomplished in three (3) ways: (1) The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade; (2) The employee

may be demoted to a lower pay grade without a reduction in salary rate as long as the salary rate does not exceed the maximum of the salary range for the new lower pay grade; or (3) The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect.

Prior to the decision to demote an employee for disciplinary reasons, the department head must conduct a pre-demotion conference with the employee in accordance with the procedural requirement for pre-dismissal conference in this Section. Advance oral or written notice of the conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct.

a. **Unsatisfactory Job Performance:** An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.

b. **Grossly Inefficient Job Performance:** An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.

c. **Unacceptable Personal Conduct:** An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.

An employee who is demoted must receive written notice of the specific reasons for the demotion; how and to what extent the demotion will affect the employee's salary rate or pay grade; and notice of any applicable appeal rights.

4. **Dismissal:** Before an employee may be dismissed the following shall occur:

a. The supervisor recommending dismissal shall discuss the recommendation with the department head who shall conduct a pre-dismissal conference with the employee in accordance with the process below. (The person conducting the pre-dismissal conference must have the authority to decide what, if any, disciplinary action should be imposed on the employee.)

b. Advance written notice of the pre-dismissal conference must be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice should be as much as is practical under the circumstances.

c. The department head shall conduct a pre-dismissal conference with the employee, limiting attendance to the employee and the person conducting the conference; a second management representative may be present at management's discretion. The purpose of the pre-dismissal conference is to review the recommendation for dismissal 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 not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference.

d. In the conference the department head shall 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 that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer information or arguments in support of the employee's position. Every effort shall be made by management to assure that the employee has a full opportunity during the conference to set forth any available information in

opposition to the recommendation to dismiss. This opportunity does not include the option to present witnesses.

e. Following the conference, management shall 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 the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss should not be communicated to the employee in accordance with this subparagraph prior to the beginning of the next business day following the conclusion of the pre-dismissal conference or after the end of the second business day following the completion of the pre-dismissal conference.

f. The effective date of a dismissal for unsatisfactory job performance shall be determined by management. A regular employee who is dismissed for unsatisfactory job performance may, at management's discretion, be given up to two weeks working notice of his/her dismissal. Instead of providing up to two weeks working notice and at the discretion of management an employee may be given up to two weeks pay in lieu of the working notice. Such working notice or pay in lieu of notice is applicable only to dismissals for unsatisfactory job performance. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than 14 calendar days after the notice of dismissal.

5. Placement on Investigation - Investigation status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action as defined in this Article. It is permissible to place an employee in investigation status with pay only under the following circumstances: (a) To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action; (b) To provide time within which to schedule and conduct a pre-disciplinary conference; or (c) To avoid disruption of the work place and/or to protect the safety of persons or property.

The department head must notify an employee in writing of the reasons for investigatory placement not later than the second scheduled workday after the beginning of the placement. An investigatory placement with pay may last no longer than thirty (30) calendar days without written notice of extension by the department head. When an extension beyond the thirty (30) day calendar period is required, the agency must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If the department by the end of the thirty (30) calendar day period has taken no action and no further extension has been imposed, the department must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

Section 11. Inactivating Disciplinary Action

Any disciplinary action issued after the effective date of this section is deemed inactive in the event that

- A. the department head or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
- B. eighteen (18) months have passed since the first warning or disciplinary action during which the employee does not have another active warning or disciplinary action and the department head has not issued to the employee written notice of an extension to the disciplinary period.

Section 12. Credentials

By statute, and rule, some duties assigned to positions may be performed only by persons who are duly licensed, registered or certified as required by the relevant provision. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards in the position description for the position.

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

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

1. If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position, the employee shall be dismissed under procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

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

3. When credential or work history falsification is discovered before employment the applicant shall be disqualified from consideration for the position in question.

Section 13. Right of Appeal

An employee with regular status who has been demoted, suspended or dismissed shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal under the County's grievance procedure as described in Article IX of this manual.

Warnings, extension of disciplinary actions and periods of placement on investigation with pay are not grievable.

ARTICLE IX. GRIEVANCE PROCEDURES

Refer to stand alone policy, Grievance Procedure, HR006

ARTICLE X. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

The Personnel Office shall be responsible for maintaining such personnel records as are necessary for the proper administration of the personnel system. 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

As required by North Carolina General Statute 153A-98(b), the following with respect to each County employee is public record:

- (1) Name
- (2) Age
- (3) Date of original employment or appointment to County service
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with the county.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the county.
- (10) Date and general description of the reasons for each promotion with the county.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) Department and office to which the employee is currently assigned.

Section 3. Access to Personnel Records

As required by North Carolina General Statute 153A-98 any person may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying during the regular business hours, subject only to such rules for the safekeeping of public records as the of Board of Commissioners may adopt. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

Section 4. 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 public inspection only in the following instances:

A. The employee or his/her duly authorized agent may examine all portions of his/her personnel file, except, (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.

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

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

D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file;

E. An official of any agency of the state or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or 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. A record shall be made of each disclosure and placed in the employee's file except disclosures to the employee and the supervisor).

Section 5. Records of Former Employees

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

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. Penalty for Permitting Access to Confidential File by Unauthorized Person

G.S. 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a

misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5, without the consent of the North Carolina Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in G. S. 132-3.

ARTICLE XI. IMPLEMENTATION OF POLICY

Section 1. Conflicting Policies 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 is held invalid, the remainder of this policy and the application of such remaining provisions of this policy, other than those held invalid would not be affected.

Section 3. Violations of Policy Provision

An employee violating any of the provisions of this policy or administrative policies as approved by County Manager may be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation.

Section 4. Amendments

Amendments to these personnel policies shall be recommended by the County Manager and approved by the Scotland County Board of Commissioners.

Section 5. Administrative Policies

The County Administrative Staff will issue administrative policies relating to the implementation of this policy periodically. The County Manager shall approve administrative policies and any changes required

Section 6. Effective Date

This policy is effective as of June 5, 2006.

AMENDMENTS ARE AS FOLLOWS:

ARTICLE VII. EMPLOYMENT BENEFITS, Section 8. Law Enforcement Officers' Separation Allowance (Amended October 4, 2006)

ARTICLE III. THE PAY PLAN, Section 3. Administration (Amended January 8, 2007)

ARTICLE VI. LEAVES OF ABSENCE, Section 7. A. 2 Sick Leave (Amended March 13, 2007)

ARTICLE IV. RECRUITMENT AND SELECTION STANDARDS, Section 7.5 Residency Requirement (Amended July 9, 2007)

ARTICLE III. THE PAY PLAN, Section 12, Overtime, Parts E, H, and adding J and K (Amended October 6, 2008)

ARTICLE VI. LEAVES OF ABSENCE, Section 5. Adverse Weather Conditions (Amended October 6, 2008)

ARTICLE V. CONDITIONS OF EMPLOYMENT, Section 7 Travel Expense and Reimbursement Policy (Amended July 1, 2009)

ARTICLE VI. LEAVES OF ABSENCE, Section 9. Family and Medical Leave Act Policy (Amended December 6, 2010)

ARTICLE X. PERSONNEL RECORDS, Section 2. Information Open to the Public and Section 3. Access to Personnel Records (Amended December 6, 2010)

ARTICLE III, THE PAY PLAN, Section 17. Longevity Pay (Repealed June 23, 2011)

ARTICLE VI. LEAVES OF ABSENCE, Section 2, Holidays Observed, Part A (Amended November 7, 2011)

ARTICLE VII. EMPLOYMENT BENEFITS, Section 2. Group Health and Dental Insurance, Part D, and Section 3. Group Life Insurance, Parts B & C (Amended November 7, 2011 for effective date of January 1, 2012) (Amended and Clarified April 8, 2014)

ARTICLE III, THE PAY PLAN, Section 17. Longevity Pay (Reinstated effective 7/1/2014)

ARTICLE VIII. SEPARATION AND DISCIPLINARY ACTION, Section 9. Reinstatement (Amended 1/5/2015)

ARTICLE VII. Section 2, Part F and Section 3, Part D Re-employment of Scotland County Retiree by Scotland County (Retiree Health and Life Insurance) (Amended 5/4/15)

Changed Probationary Period to one year (Amended 6/13/17)

Removed ARTICLE V, Section 4, Unlawful Workplace Harassment. Replaced with policy, HR007 *Unlawful Harassment*, dated 02/05/2018.

ARTICLE VI, LEAVES OF ABSENCE, Section 5. Adverse Weather. Eliminated policy. Refer to Administrative Leave HR040. Approved 03/09/2020.

ARTICLE VI, LEAVES OF ABSENCE. Section 15. Administrative Leave. Policy now stand alone. Reference Administrative Leave HR040. Approved 03/09/2020.

ARTICLE III. THE PAY PLAN. Section 12. Overtime. Policy now stand alone. Reference Overtime HR018. Approved 03/09/2020.