

NORTH CAROLINA

SWAIN COUNTY

PERSONNEL POLICY



2014

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This copy of the personnel policy printed _____
(Date)

SWAIN COUNTY

PERSONNEL POLICIES

As an employee of the Swain County, I hereby acknowledge that I have been provided with a printed and / or electronic copy of the County's personnel policy manual. I understand that this manual contains the general policies regarding my employment with the County.

I have read this manual and understand its contents. I am aware that this manual is meant to serve as a general guide to employees and management, rather than a set of absolute rules. I understand that management reserves the right to evaluate any particular personnel issue on a case-by-case basis; and, to interpret and implement these policies as management deems appropriate. I understand that this manual does not constitute a contract for employment.

Printed / typed name

Signature

Date

Original: Employee File
Copy to: Employee

INTRODUCTION

The purpose of this policy manual is to provide management and employees of the Swain County (hereinafter called the County) with a concise document which contains the general policies governing County personnel.

Nothing in this manual is intended to supersede or supplant laws, rules or regulations regarding right-to-work and/or employed-at-will. This manual is meant to be a general guide to employees and to inform employees of policies implemented by the County. It is not a contract for employment. These policies may be amended by the Swain County Board of Commissioners at any time.

The Human Resource Department will maintain the manual, and a complete copy will be made accessible to each employee. Each employee will be required to sign a statement indicating that he/she has reviewed the manual and understands the contents within. This manual will be used during new employee orientation.

There are some exhibits at the end of Sections which show the various forms used by the County. The inclusion of these forms in this manual is for example and illustration only. Forms may be amended, deleted, or added as deemed appropriate by the County Manager and the Board of Commissioners.

ARTICLE I
ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

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

Section 2. Coverage

- (a) All employees in the County's service shall be subject to this policy, except as provided in this section.
- (b) The following officials and employees are exempt:
 - (1) Elected Officials;
 - (2) Members of the Advisory Boards and Special Boards and Commissions (unless specifically designated);
 - (3) County Attorney
- (c) The following employees are covered only by certain articles and sections:
 - (1) Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles except Articles VII, IX and X.

Section 3. Definitions

Adverse Action – A demotion, dismissal, reduction in pay, layoff, or involuntary transfer of suspension

Allocation-The assignment of an individual position to an appropriate salary range.

Anniversary Date - The employee's original date of employment with the county in a permanent position.

Appointing Authority – Any board or position with legal or delegated authority to make hiring decisions..

Class – 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 carry the same salary range.

Classification Plan – A systematic plan of structuring groups of classifications in a formal method to facilitate ranking the classifications of groups of classifications with respect to their individual relationships.

Cost-of-Living Increase – An annual adjustment that may or may not be approved by the Board of County Commissioners effective in July of each year. This increase may not apply to part or temporary positions.

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

Emergency Position – A position in which the duties and responsibilities are required to be attended for a period of time not to exceed 90 calendar days.

Full-time Employee.

(a) Regular – An employee, appointed to a permanently established position, who is regularly scheduled to work 40 or more hours per week and is designated by the Board of Commissioners as regular full-time.

(b) Temporary – An employee, appointed to a temporarily established position, who is regularly scheduled to work a set number of hours per week and is designated by the Board of Commissioners as temporary part-time.

Grant-Funded Positions – Grant Funded Positions that are for one year or less and have to be applied for on a recurring basis will be considered the same as a Temporary Employee with no benefits.

Grievance – A claim or complaint based upon an event or condition allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment. A grievance does not include being turned down for promotion or transfer unless discrimination is alleged to have caused said action.

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

Hostile Work Environment – An environment in which a reasonable person would find conditions hostile or abusive. Hostile work environment is determined by looking at

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

Longevity Plan – A plan to reward employees for faithful continuous service after ten years, based solely on longevity. Payment is made one time per calendar year in the payroll that contains the anniversary date for the employee.

Maximum Salary Rate – The maximum salary authorized for an employee within an assigned salary grade (the last step within a grade).

Merit Increase – An increase in salary within the same salary grade, based on meritorious service and on performance of duties above the standard for the assigned position.

Merit Principle – a systematic and uniform method of personnel administration designed to provide objective recruiting, employment, retention and promotion of those persons best qualified, excluding all other criteria.

Part-time Employee.

(a) Regular Part-time Employee – An employee appointed to a permanently established position, who is regularly scheduled less than the normal 40 hours per week and is designated by the Board of Commissioners as regular part-time.

(b) Temporary Part-time Employee – An employee appointed to a temporarily established position, who is regularly scheduled less than the normal 40 hours per week and is designated by the Board of Commissioners as temporary part-time.

Pay Plan – A schedule of pay ranges systematized into sequential rates including minimum, mid-point, and maximum steps for each class assigned to any given salary range.

Performance Evaluation – A periodic review of an employee's performance used to let the employee know how they are performing.

Position – A group of current duties and responsibilities requiring the full or part-time employment of one person, but the existence of a position or its identity does not depend upon its being occupied by an employee.

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

Probationary Period – The required period of time that an employee serves before obtaining regular status when entering the County Service.

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.

Quid Pro Quo Harassment – Consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (a) Submission to such conduct is made either explicitly or implicitly as 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 said individual.

Range Revision – When one or more salary grades are assigned a different minimum and/or maximum salary range; or when a classification is assigned a new pay grade.

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

Regular Employee – An employee who has completed their probationary period with satisfactory County service and has been approved for permanent status.

Salary Grade – All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words “grade”, “salary range”, “level” and “range” are used interchangeably.

Salary Plan – A schedule of pay ranges systematized into sequential rates including minimum, mid-point, and maximum steps for each class assigned to any given salary range.

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

Salary Range – The hiring (minimum), mid-point, and maximum salary for a given classification used in determining salaries.

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

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

Temporary Employee - A person appointed to serve in a position for a define duration, but not to exceed one (1) year. (Employee not subject to participation in benefit programs.)

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

Trainee – An employee designated as such, appointed to a position in any class for which the County Manager has authorized “Trainee” appointments. 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.

Section 4. Merit Principle

Except as a consequence of disciplinary action, all appointments, transfers and promotions shall be made solely on the basis of merit and fitness. No applicant for county employment or employee shall be deprived of employment opportunities or otherwise adversely affected as employee because of such individual’s race, color, religion, sex, national origin, political affiliation, non-qualifying disability, or age.

Section 5. Responsibility of the County Manager

The County Manager has the primary responsibility to carry out the day-to-day activities associated with the policies contained in this manual. The County Manager shall appoint, suspend, or remove all county officers, employees, and agents except those elected by the people or whose appointment is otherwise provided by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with G.S. 153A-82. The County Manager shall be responsible for recommending to the County’s Board of Commissioners policy changes, new policies and changes in the position classification and pay plan so as to stay current and in compliance with federal and state regulations.

Section 6. Responsibility of County Board of Commissioners

The County Board of Commissioners shall establish personnel policies and rules, including the position classification and pay plan, and shall make and confirm appointments when so specified by law. The County Board of Commissioners give the authority to the County Manger to appoint the County Finance Officer due to day- to- day oversight of the financial functions.

The following appointments are required by law to be made by the County Commissioners:

Budget Officer	G.S. 159.9
County Manager	G.S. 153A-81
Clerk to the Board	G.S. 153A-111
County Attorney	G.S. 153A-114
Tax Assessor	G.S. 105-294
Tax Collector	G.S. 105-349

Due to the nature of county government, the Board of County Commissioners does not have appointing authority over certain positions such as: Sheriff (elected), Register of Deeds (elected), and Elections Supervisor (Board of Elections).

Section 7. Responsibility of Human Services Advisory Board

The Human Services Advisory Board, appointed by the Board of County Commissioners, shall serve as an advisory board in policy-making, rule making, and administrative issues as defined in G. S. 153A-77 over Public Health. All employees who serve as staff of a Human Services Agency are subject to county personnel policies.

Section 8. Responsibility of Human Resource Director

The Human Resource Director shall assist the County Manager in the preparation and maintenance of the position classification plan and the pay plan, and perform such other duties in connection with a personnel program as required. The duties and responsibilities of the Human Resource Director are, but not limited to, the following;

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

All matters dealing with personnel shall be routed through the Human Resources Department who shall maintain a complete system of personnel files and records.

ARTICLE II
RECRUITMENT AND SELECTION STANDARDS

Section 1. Equal Employment Opportunity Statement

It is the policy of the County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of applicants' qualifications and without regard to age, sex, race, marital status, color, creed, religion, income status, political affiliation, physical disability or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions in which their physical handicaps do not represent an unreasonable barrier to satisfactory performance of duties.

The County Manager, Human Resource Director and other personnel responsible for recruitment and employment shall continue to review regularly the implementation of this policy and related practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed. Notices with regard to equal employment opportunity matters shall be posted in conspicuous places where employee notices are customarily posted.

Section 2. Posting of Vacancies

When job vacancies occur within the County the Human Resource Department will be responsible for adequately publicizing such vacancies and listing the vacancy with the North Carolina Employment Security Commission Job Service (ESC), the local paper and in some professional positions more specialized locations such as UNC. When an opening occurs the Job Announcement shall be posted in locations where employees can view the announcement. When the County promotes or transfers, from within to fill a vacancy, the vacancy will not be publicized or posted outside the County offices.

Section 3. Priority to Current Employees

It is the County's policy to create career enhancement opportunities for its employees whenever and wherever possible. Therefore, existing County employees will be given priority consideration in filling any vacancy, provided they are qualified for the position. All applicant's qualifications will be reviewed.

Section 4. Recruitment Sources

All recruitment sources used by the County shall be advised of the County's equal employment opportunity policy. Recruitment shall be from a geographic area as wide as is necessary to insure that well qualified applicants are obtained. (Also see Section 2, above.)

Section 5. Job Advertisement

Job advertisements shall contain assurance of equal employment opportunity and provide basic information about the position being advertised. The information shall include employment qualifications and a brief description of the duties of the position. This information may include salary range and/or beginning rate of pay.

Since it is the policy of the County to promote or transfer from within whenever possible, the County Manager may promote or transfer a current employee to the vacant position without advertising, assuming that the current employee is clearly qualified and likely to be the top candidate if the position were advertised.

Section 6. Applications for Employment

All persons applying for employment with the County shall be required to complete an employment application. Unsolicited inquiries about employment opportunities, and resumes which may be submitted at times when the County has no current, listed job vacancy will not be considered "applications for employment" but will be kept in a file for two years for future reference when openings occur. The County uses their own application form but also accepts the North Carolina Application Form, PD 107, although there is no affiliation with the State. All information provided on the application must be true and correct. The provision of false or misleading information is grounds for elimination from consideration and/or dismissal from County employment.

Section 7. Application Reserve File

At the time of making application for a listed job vacancy all applicants shall be informed of the availability of any other current job openings. Applications shall be kept in a reserve file for a period of no less than two years before being shredded, if they have not been updated. The application reserve file may be reviewed periodically to identify potential applicants for vacant positions.

Section 8. Testing

Applicants for certain positions may be required to take various tests which measure ability, aptitude or skill. All tests given to applicants shall be administered and evaluated by qualified individuals. All tests administered will conform to all applicable legal regulations.

Section 9. Interview Process

Selected applicants who are considered by the County Manager and appropriate staff, to be the most qualified for the position sought, will be interviewed by a panel which may consist of some or all of the following; the County Manager, Human Resource Director, Department Director, Department Supervisors, and Commissioners. Applicants may be required to undergo more than

one interview which may include appearance before a committee which includes one or more of the interviewing panel.

Section 10. Appointment

It is the policy of the County to employ according to merit and fitness. The County shall use all reasonably available means to attract qualified candidates for employment, and make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualities required for positions in the service of the County.

After an investigation of the qualifications and experience of the applicants, the Interviewing Panel, with assistance and input from appropriate staff, shall make a determination regarding the applicant to be hired. The determination shall include the classification of the position to be filled and the salary to be paid. The County Manager shall make the final hiring decision and shall have the authority to determine conditions of employment. The Human Resource Department will prepare an offer of employment, including initial conditions of employment.

Section 11. Medical Examination

Any applicant, prior to being employed by the County, may be required to undergo a physical examination, at the applicant's expense, for the purpose of determining fitness for the position.

The County reserves the right to require any employee at any time to undergo a medical examination to determine any physical or mental impairment in the performance of his/her work. Any out-of-pocket costs to the employee not paid by his/her insurance shall be at the expense of the County. The examination will be by a physician selected by the County.

Section 12. Drug Testing

All new employees will be required to take a drug test. Employees that are in Safety --Sensitive positions, such as truck drivers, emergency medical technicians, and in-home Aides are subject to random drug testing. The expense for the test will be paid by the County. If an applicant fails the drug test they must wait at least six months before reapplying for any position with Swain County.

Section 13. Identification

All new appointments to the County staff shall present proof of identification before they are placed on the County payroll. All new employees will be required to present two copies of identification, one being a valid North Carolina driver's license if the position they are going to work in requires any driving. A photocopy of the identification items will be made and copies placed in a separate file maintained by the personnel department.

Section 14. Pre-employment Background Check

All applicants being offered conditional employment must undergo a pre-employment background check that is based on job necessity and which may include a criminal background check, credit check, driving history, reference check, sex offender registry search and/or other applicable searches specific to the job offered.

EMPLOYEES REQUEST FOR CHANGE IN POSITION

Name _____ Date _____

Position Interested In:

Current Position _____

Current Supervisor _____

Reason for Change Request _____

What experience do you feel would qualify you for this position _____

Signature

Please complete this form, sign and give to Human Resources. All applicants will be judged on their qualifications and experience. Swain County is an Equal Opportunity Employer.

**ARTICLE III
EMPLOYMENT PROCESSES**

Section 1. Probation

An employee appointed, transferred or promoted to a permanent position shall serve a probationary period of nine to twelve months except for law enforcement, which shall serve twelve months. All new employees will be given an Offer Letter from the Human Resource Department which contains information on their probation period when they start work. The probationary period may be extended if performance is deemed unsatisfactory after the initial probationary period. An employee serving a probationary period may be dismissed at any time if the employee is not satisfactorily performing the assigned duties, upon recommendation by the Department Head and approval of the Department Director or County Manager.

A permanent employee serving a probationary period following a transfer or promotion may be demoted or dismissed if unable to satisfactorily perform assigned duties of the new position.

An employee serving a probationary period in a permanent position shall receive all benefits provided in accordance with this policy except that employees serving a probationary period, following initial appointment shall not be permitted to take vacation leave, during the first 12 months of employment.

Before or upon completion of the probationary period, the employee's immediate supervisor should confer with their Supervisor and the Human Resource Director regarding the following considerations:

- (a) whether employee's progress (accomplishments, strengths, and weaknesses) meets expectations;
- (b) whether the employee is performing satisfactory work;
- (c) whether the probationary period should be extended; and
- (d) whether the employee should be retained in the present position or should be released, transferred, or demoted.

If this progress review indicates less than satisfactory performance then termination, transfer or demotion may result. The Grievance Procedure does not apply to employees terminated during the probationary period.

Section 2. Orientation

An Orientation Checklist shall be completed for each new employee. The Human Resources

Department will initiate the checklist by checking off duties that apply to them then it will go with the employee to the immediate supervisor. The supervisor will be responsible for completing what applies to them and scheduling anything else on the list that someone else is responsible for. The completed checklist should be returned to the Human Resources Department to be included in the Employee Personnel File within the first six months of employment. The purpose of the checklist is to ensure that each new employee is familiar with policies and staff. The appropriate Supervisor is responsible for any needed training including OSHA training, and verification and updating of any professional licensure, if applicable.

Section 3. Evaluation

Performance evaluations will be conducted at least once a year in March. New Employees should be evaluated after three, six and nine months of the first year so problems can be addressed during the probationary period. Employees with questionable performance may be evaluated as frequently as deemed necessary by the immediate supervisor, Director, or County Manager.

Evaluations should normally be performed by the employee's immediate supervisor. The evaluation session is intended to provide an opportunity for the employee to receive the supervisor's assessment of the employee's work performance, and to allow the employee to evaluate his/her relationships with the County and fellow employees.

After an evaluation session has been conducted, the supervisor should complete and sign an evaluation form. Both the yearly and the three, six and nine month evaluation forms are at the end of Article III. Supervisors may attach a more detailed account to the completed Evaluation Form if desired. The employee should review the written evaluation, indicate in writing any disagreement with the evaluation, and then sign it. The supervisor should then forward the evaluation to the Personnel Office to be filed in the employee's permanent personnel record. The employee should be given a copy of the completed, signed evaluation at the end of the evaluation session.

Refusal of the employee to sign the evaluation form will not be interpreted as an indication of the employee's agreement or disagreement with the evaluation, nor will it affect the validity of that evaluation.

Section 4. Promotion

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

(2) Vacancies in positions shall be filled as far as practical by the promotion of employees

already in service with the County.

- (3) If a current county employee is chosen for promotion, the Department Head shall forward the request to their Supervisor and the Human Resource Director with recommendations for classification and salary along with reasons for selecting the employee over other applicants. After considering the recommendation the Human Resource Director shall make or reject the appointment, and upon approval from the County Manager determine the classification and starting salary.

Section 5. Transfer

Transfers normally occur as lateral moves between positions of substantially equal duties, responsibility and pay. Transfers may occur for a variety of reasons. They may be voluntarily initiated by the employee, with the approval of the Supervisor and the Human Resource Director; or, they may be involuntarily imposed for the benefit of the County. Transfers may also be imposed for disciplinary reasons as specified in Article VI.

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

Section 6. Demotion

An employee whose work in his/her present position is unsatisfactory, or whose personal conduct is detrimental to service with the County, may be demoted by the Department Director or County Manager provided that the employee shows promise of becoming a satisfactory employee in another position. Such demotion should be preceded by the warning procedures outlined in Article VI, Section 9. An employee who wishes to accept a position with less responsibilities may be demoted by the Department Director or the County Manager for reasons other than unsatisfactory performance of duties or failure in personal conduct.

If the demotion is for failure in performance of duties or failure in personal conduct, the Human Resource Department shall provide the employee with written notice citing the effective date, reasons for demotion, and the appeal rights available to the employee.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VI, Sections 8 and 10.

Section 7. Return to Work

An employee who returns to work with the County within 5 years after leaving, for any reason, will reclaim any unused sick leave that was left from previous employment if that leave has not been transferred to another employee, place of employment, or the retirement system. Service time and the hours earned for vacation will include previous full time employment with Swain County. If the lapse in employment is less than one year the six month waiting period to return to

the retirement system is waived and contributions will start with employment, if longer than the one year there will be another six month waiting period. The employee will still be required to serve a probationary period.



**SWAIN COUNTY
FIRST YEAR
EVALUATION**

Employee Name: _____ Date: _____

Position: _____ Grade: _____

Evaluation Period: 3mo 6mo 9mo (circle one)

Performance Standards (neatness, thoroughness, accuracy and overall quality of work)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds Job Standards

Areas that need to be worked on and specific ways to improve:

Initiative (Ability to think and act independently, originates ideas & methods to improve job tasks)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds

Areas that need to be worked on and specific ways to improve:

Work Environment & Safety (maintains safe & pleasant work space, follows safety regulations)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds

Areas that need to be worked on and specific ways to improve:

Understanding Job Responsibilities (understands requirements of job)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds

Areas that need to be worked on and specific ways to improve:

Cooperation with Others (demonstrates willingness to work with others)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds

Areas that need to be worked on and specific ways to improve:

Dependability (can be relied upon to complete tasks and is conscientious of attendance/timeliness)

- Fails to Meet Job Standards
- Meets Job Standards
- Exceeds

Areas that need to be worked on and specific ways to improve:

Additional Comments:

Recommendation:

- Continue employment with Swain County
- Terminate effective: (date) _____

Employee: _____ Supervisor: _____

Director: _____ Personnel: _____

This form will be filed in the Employee's Personnel Folder



EMPLOYEE PERFORMANCE EVALUATION

Employee Name _____ Date _____

Department _____ Job Title _____

Date of Hire _____ Date of Last Review _____

(Key to Ratings -- E: Excellent- 5 points, G: Good - 4 points, S: Satisfactory - 3 points, F: Fair - 2 points, or U: Unsatisfactory- 1 point)

1. RESPONSIBILITIES (List the current status of overall job responsibilities)

See Attached job description

2. ACCOMPLISHMENTS (List main job related achievements since last evaluation)

3. JOB KNOWLEDGE (Employee possesses a clear understanding of the responsibilities and tasks he or she must perform)

(circle one) E G S F U _____(points)

Comments: _____

4. JOB PERFORMANCE (The neatness, thoroughness, accuracy and overall quality of the employee's work)

(circle one) E G S F U _____ (points)

Comments: _____

5. JOB PRODUCTIVITY (The employee demonstrates a commitment toward achieving results. Tasks are completed efficiently)

(circle one) E G S F U _____ (points)

Comments: _____

6. DEPENDABILITY (Employee can be relied upon to complete assigned tasks, and is conscientious about his/her attendance and timeliness)

(circle one) E G S F U _____ (points)

Comments: _____

7. COOPERATION (Employee demonstrates a willingness to work with associates, subordinates, supervisors and others. Responds willingly to changes in procedure, process, responsibility and assignments)

(circle one) E G S F U _____ (points)

Comments: _____

8. INITIATIVE (Employee demonstrates an ability to think and act independently. Originates innovative ideas and methods to improve job or complete tasks better)

(circle one) E G S F U _____ (points)

Comments: _____

9. WORK ENVIRONMENT AND SAFETY (Maintains a safe and pleasant work environment, follows safety regulations, and actively contributes towards a safe work environment)

(circle one) E G S F U _____ (points)

Comments: _____

10. OVERALL PERFORMANCE (Overall appraisal of the employee's job performance)

(circle one) E G S F U _____ (points)

Comments: _____

ACTION PLAN:

MAJOR WEAK POINTS AND HOW THEY CAN BE STRENGTHENED:

MAJOR STRONG POINTS AND HOW THEY CAN BE MORE EFFECTIVELY UTILIZED:

Supervisor Signature

Date

Employee Comments: _____

Employee Signature

Date

TOTAL POINTS (8-40) _____

ARTICLE IV CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

The standard workweek is 40 hours. The normal, daily work schedule is 8:00 a.m. to 5:00 p.m. The Department of Social Services will be opened to the public each Monday through Friday from 8:00 A.M. to 5:00 P.M. continuously.

The Public Health Department offices will be open to the public each Monday through Friday from 7:45 A.M. to 4:45 P.M. continuously.

Unless an alternative to the normal daily work schedule is authorized in writing, time sheets will be balanced to no less than 8 hours per day.

There are some departments who work an alternative to the above schedules, such as twenty-four hour shifts. Law Enforcement will be paid on the 7k Plan. They can work up to 86 hours in a two week period before overtime is counted. Overtime will go to comp time depending on if the employee is exempt or not.

Section 2. Flexitime Policy

Supervisors and Managers are encouraged to permit employees to alter their work day to meet family/dependent care needs whenever it is possible to do so without compromising the County's goals. Some departments will not be able to do a flexitime schedule due to the necessity of customer service. A Flexitime Request Form is at the end of Article IV. Flexitime schedules must meet the following requirements:

- All full time employees must work a 40-hour week
- Operational requirements must be met
- Service to the public must be maintained or improved
- Costs to the County will not be increased
- Each office or operation must be covered during normal business hours
- Flexitime will not diminish the ability of the County to assign responsibility and accountability to individual employees for the provision of services and performance of their duties
- In positions where flexitime is permitted, requests from employees for any type of change in work schedule or work hours will be considered on the basis of the above standards and the workload of the department
- When a paid holiday falls on an employee's scheduled day off, the employee will be given another day off during that week
- Employees must request a flexitime schedule in writing and the schedule must be on a consistent ongoing basis. The decision to allow a Flexitime Schedule must be approved by the Supervisor, Director and the County Manger then turned in to the

payroll department.

Section 3. Attendance

Regular attendance is essential to departmental operations. You are expected to be present and on time as scheduled. If you are going to be late or unable to come in due to illness, notify your supervisor before the start of the workday or as soon as possible thereafter. This gives your supervisor an opportunity to schedule a replacement or reschedule work, as necessary. Excessive lateness and/or absences will result in disciplinary action. If you must be out of work for three days a doctor's excess is required. Supervisors should notify the key person in their department and also the Director or County Manager if they are not able to report to work. Excessive tardiness, lateness, and/or absences will result in disciplinary action.

Section 4. Use of County property, including postage machine and telephones

Use of property owned by the County is intended for official County business only. Property including supplies, tools, materials, and equipment are not for personal use and should not be removed from County premises except in the conduct of official County business.

The County postage machine is for business use only. County postage may not be affixed to personal mail.

Telephone equipment and long distance telephone service are provided for business use. The use of County telephones for local, personal calls should be kept to a minimum, and such calls should be short in duration. Employees are expected to observe appropriate professional discipline with regard to time spent on personal calls.

Personal long distance calls at the expense of the County are prohibited except as outlined below:

- (a) One call of approximately three minutes duration to home, family member or significant other each night the employee is away overnight on official business.
- (b) One call of approximately three minutes duration to home, family member or significant other anytime the employee must change his/her planned schedule due to official business or transportation delays, and must advise someone of this change in schedule.
- (c) Any emergency that effectively prevents placement of a collect, credit card or third number call. As soon as practical, the employee should notify his/her or her supervisor of such a personal, emergency call.

Section 5. Employment of relatives

Employment of close relatives of a County employee or of any member of the County Board of Commissioners. within the same department or unit/section of a department, at the same time, is to be avoided and must be approved by the County Manger.

No family members shall be employed within the same department/unit/section of a department if such employment will result in one supervising a member of his/her immediate family, or where one member occupies a position which has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.

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.

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

Section 6. Political activity

The County encourages all employees to exercise their civic responsibilities to support good government by voting for the issues and candidates of their choice.

However, considering that the County's Board of Commissioners is composed of local elected officials who are seated in their respective offices through the political process; and, considering that many functions and activities of the County depend on relationships with federal and state officials who are elected or appointed through the political process, County employees are therefore expected to observe appropriate professional behavior, discipline and discretion in regards to political activity. Any violation of this section may subject the employee to dismissal or other disciplinary action.

County employees may advocate and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and of the United States of America. Such advocacy and support shall not be inconsistent with the rules and regulations on political activity (including the Hatch Act) which apply to the receipt and use of state and federal grants by the County. However, an employee shall not:

1. Engage in political activity while on duty;
2. Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, or promotion;
3. Solicit or act as custodian of funds for political or partisan purposes;

4. Use County supplies, equipment or facilities to display political slogans, posters or stickers or for any political purpose;
5. Employees subject to the Hatch Act may not be a candidate or hold political office;
6. Use any promise of reward or threat of loss to encourage or coerce any employee, client or customer to support or contribute to any political issue, candidate, or party.

Section 7. Conflict of Interest

In accordance with NC G.S. 143-6.1, and related legislation, and in order to avoid conflict of interest, the appearance of conflict of interest or the appearance of impropriety, the County declares the following policy:

- (1) No County member, officer, employee or agent; no member of the governing bodies of the localities served by the County, and, no other public official of such locality or localities who exercises any functions or responsibilities with respect to the County during his/her tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any work, purchase, contract or subcontract, or the proceeds thereof, in connection with the programs, services or activities assisted by the County.
- (2) Immediate family members of said County members, officers, employees, agents and officials are similarly barred from having financial interest in connection with the programs, services or activities of the County.
- (3) All governing board members shall follow the Code of Ethics Resolution adopted October 25, 2010.

The County shall incorporate, or cause to be incorporated in its purchase orders, contracts, subcontracts and personnel policies provisions pursuant to this policy.

Section 8. Secondary employment

Full-time employment with the County shall take precedence over all other employment opportunities. Any employment, other than employment with the County, including self-employment if it is income producing, is considered secondary. In order to participate in secondary employment, an employee must complete an agreement as shown at the end of Article IV in this policy (available in the Human Resources Department) and have the approval of the County Manager. The purpose of the approval procedure is to determine any effect on the primary employment with the County, and to insure that a conflict of interest will not exist. There shall be periodic reviews during the time of secondary employment to determine if there have been any adverse effects on County employment.

Secondary employment shall not be permitted when it would:

(1) Create either directly or indirectly a conflict of interest with the primary employment;

(2) Impair in any way the employee's ability to perform all expected duties, to make decisions and to carry out in an objective, efficient, and timely fashion the duties and responsibilities of the employee's position.

Section 9. Gifts and favors

An employee shall not accept any gift or gratuity, whether in the form of service, loan, thing of value, or promise from any person, business concern, or organization which/who is interested directly or indirectly in business dealings with the County. These limitations are not intended to prohibit the acceptance of articles of nominal value, including meals, which are distributed generally, nor to prohibit employees from obtaining personal loans from regular lending institutions.

An employee shall not grant, in the discharge of his/her official duties, any improper favor, service, or thing of value.

Section 10. Dress code

All employees will present a professional appearance in order to promote a positive image. The general public usually forms its initial impression of professional credibility on employee appearance. The appropriateness of attire as seen by the general public has a bearing on how the public, other agencies, and other departments view county employees and ultimately the County itself. The purpose of this policy is to provide employees with guidelines for selecting appropriate attire for the work place. This Dress Code will also apply to contracted employees, students and volunteers. During business hours or when representing Swain County you are expected to present a clean, neat and tasteful appearance.

The immediate supervisor and job function will determine what is deemed to be appropriate attire, taking into consideration the requirements of the position. Some departments such as the Sheriff's Department, EMS, and various departments within the Health Department have uniforms and standards of dress in place. Other departments like Maintenance, Recreation, and Solid Waste may wear clothing appropriate for their specific work while maintaining the dress code regulations. If the supervisor feels that an employee's personal appearance is inappropriate they will be asked to leave the workplace until they are properly dressed or groomed. If an employee has to leave work to change their attire they will not be compensated for time away from work. The employee will either use their leave time or have time without pay. Consult your supervisor if you have questions regarding the appropriate attire. In the event that an employee requests an exemption from the dress code policy, the supervisor will review the employee's request and make the decision accordingly. *Example, an exception may be granted if an*

employee has a doctor's excuse stating that the employee had to wear a certain type of shoe to work.

For the policy the following applies:

- Midriffs/Stomachs are to be covered at all times
- No halter-tops, tank-tops or muscle shirts. Backs are to be covered at all times
- With religious and medical exception, no hats, headscarves, or kerchiefs
- Shoes are to be worn at all times
- No exposed underwear
- No clothing with obscene or vulgar wording or pictures
- Trousers are to be worn at waist line
- No sundresses unless worn with a jacket
- No torn clothing of any kind, no frayed hems, no patches
- No net or see-through fabric without solid under-layer
- No mini-skirts or short-shorts
- No visible piercings with the exception of earrings. Gauged piercings of any size are not acceptable. Body piercing other than in ears shall be removed during work hours.

No shorts, skorts, tennis shoes, bib overalls, work boots, jogging suits/wind suits, graphic t-shirts, jeans (except on dress down day) in the office setting.

Fridays are Dress Down Days in most departments. Dress Down Day means employees may wear jeans, T-shirts and tennis shoes while maintaining the Dress Code Policy. There are Fridays when events occur that will prohibit employees or departments from dressing down. On occasion an employee may be permitted to dress down for the day if they are moving, cleaning, working at an emergency shelter, on-call, or traveling. An employee that has to conduct home visits in the community may dress down to accommodate the situation. If you have questions please ask your Supervisor.

If an employee is representing the County in court they are asked to dress appropriately with males wearing a tie with appropriate shirt, slacks (twill is acceptable) and dress shoes and females wearing either a dress, pants suit, skirt and blouse, dress slacks and blouse with dress shoes.

For safety reasons Laboratory Staff must wear lab coats at all times when working in the clinic or laboratory (considered personal protective equipment) and should not wear dresses, skirts, pants, or blouses/shirts that are full and flowing. They should not wear open-toed shoes, sandals or flip-flops when working in the clinic area or laboratory.

Any attire that is too revealing, has low cut waistlines or necklines, and is extremely short or tight must not be worn. Skirts and dresses should not be more than 1" to 2" inches above the knee and the measurement must be consistent from front to back.

Mustaches and breads must be clean, well-trimmed and neat. Hairstyles are expected to be in good taste.

Offensive body order and poor personal hygiene are not professionally acceptable. Perfume, cologne, and aftershave lotion should be used in moderation or avoided altogether. Tattoos are an individual choice and reflect the individuality of the person; however, visible and excessive tattoos must be covered in the workplace. If you are a current employee and had tattoos at the time you were hired you are considered to be “Grandfathered” in for this Dress Code Policy. In the future if you acquire any new tattoos that are visible, you will be asked to cover them during work hours.

Employees are required to observe the dress code when attending all meetings and trainings and in any situation in which you are representing the County.

If questionable attire is worn:

- The first time the supervisor will go over the Dress Code with the employee then ask the employee to go home and change immediately.
- The next time the employee will receive a written warning
- Repeated policy violations will result in further disciplinary action, up to and including termination.

Section 11. Employee Ethics

County employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, on and off the job, which will reflect favorably upon the County. Additionally:

(1) Employees shall refrain from any use of their position which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner, that there is no suggestion of the extracting of private advantage from their employment with the County.

(2) Employees shall exercise discretion in their care of personal conduct and activities to avoid any behavioral, financial or legal liabilities which would reflect unfavorably upon the County.

(3) Employees shall not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.

(4) An employee shall avoid any action which might result in giving preferential treatment to any organization or person; losing his/her independence or impartiality of action; or affecting adversely the confidence of the public in the integrity of the County.

(5) An employee who witnesses another employee engaging in an unlawful, unethical or prohibited act on the job and fails to report that employee may be disciplined.

Section 12. Sexual Harassment

No employee of the County shall engage in conduct that can be defined as sexual harassment. No personnel decisions shall be made on the basis of granting or denial of sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment. Sexual harassment is defined as any deliberate, unsolicited, and unwelcome verbal and/or physical conduct of a sexual nature, or with sexual implications, by a supervisor or co-worker which; (1) has or may have direct employment consequences resulting from the acceptance or rejection of such conduct; or (2) creates an intimidating, hostile or offensive working environment; or (3) interferes with an individual's work performance. Sexual harassment does not include personal compliments welcomed by the recipient, social interaction or consensual sexual relationships.

County employees are strongly discouraged from engaging in relationships which are sexual in nature, or appear to be sexual in nature, with any other County employee, prospective employee, client, board member or associate of the County. If a relationship does develop between two people in the same department where one has supervisory authority over the other, either the Supervisor or the employee must transfer to a different department or turn in a resignation.

Employees who feel that they have been sexually harassed in violation of this policy may file grievances through the County's grievance procedures.

Any employee of the County who knows of or observes apparent sexual harassment by another County employee and fails to report it will be disciplined according to the provisions of Article VI.

Section 13. Unlawful Workplace Harassment

Swain County prohibits any form of unlawful workplace harassment or retaliation of County Employees. This policy sets forth steps to prevent and correct unlawful workplace harassment and are part of the equal employment plan. Management realizes that unlawful harassment is a personal issue that must be defined by the individual victim. A prompt impartial investigation will be made in all cases alleging harassment based on presented facts surrounding misconduct. Each case will be reviewed based on the presented facts. All parties involved are entitled to a fair and impartial hearing. Interference, coercion, restraint or reprisal against any person complaining of harassment is prohibited.

Definitions

Unlawful Workplace Harassment – is unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G. S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

Hostile Work Environment – is one that the person who is the object of the harassment perceives to be hostile or abusive. A hostile work environment is determined by looking at all the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo – Harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual.

Retaliation – is adverse treatment taken because of opposition to unlawful workplace harassment.

Training

Training will be offered to all supervisors and employees concerning Unlawful Workplace Harassment. The Employee Assistance Network is available to victims experiencing personal or work related problems as a result of Workplace Harassment.

Grievance Procedures

Any employee of Swain County who feels that he/she has been unlawfully harassed in the workplace must do the following:

Submit a written complaint to Swain County within 30 calendar days of the alleged harassing action. Due to confidentiality and sensitivity of complaints such as workplace harassment, the complainant has the option of filing the complaint directly with the immediate supervisor or the County Manager. The employee has the right to bypass any step in the Swain County Personnel Policy involving review of or decisions of the alleged harasser. **NOTE: A grievant has the right to file a complaint simultaneously under Title VII with the Equal Opportunity Commission (EEOC).**

The complaint shall be responded to within 60 calendar days from receipt of the written complaint unless the 60-day period has been waived and the grievant has acknowledged such a waiver. Waiver and acknowledgement shall be in writing. If the grievant is an employee subject to the State Personnel Act (such as Social Services or the Health Department) with a grievance concerning a denial of employment, promotion, training, transfer, demotion, layoff, or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or handicapping condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination they should appeal directly to the State Personnel Commission through the Office of Administrative Hearings.

Section 14. Workplace Violence

It is the intent of the County to provide a workplace which is free from violence. This policy applies to all full-time and part-time employees with either permanent, probationary, trainee, time limited appointments and while in any place related to the individual's employment.

Workplace violence includes, but is not limited to intimidation, threats, physical attack or property damage.

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

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

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

Property Damage – is intentional damage to property which includes property owned by the County, employees, visitors or vendors.

It is in violation of this policy to:

Engage in workplace violence as defined herein;

Use, possess or threaten to use an unauthorized weapon during a time covered by this policy;

Misuse authority vested to any employee of Swain County in such a way that violates this policy.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy (see Article VI, section 10). Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including dismissal.

Management is expected to offer support to victims of workplace violence, which includes domestic violence. This support should include encouragement of the victim to use the services of the County Employees' Assistance Program. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

The County will provide training for Management and Department Heads so that they can foster a safe and healthy environment by learning to:

- (a) Recognize signs and symptoms of the potential for workplace violence,
- (b) Prevent and manage workplace violence by utilizing all management and employee resources
- (c) Establish and communicate a procedure for reporting policy violations,
- (d) Offer support for trauma and/or victimization as well as provide consequences to perpetrators of workplace violence, and
- (e) Understand their legal obligation to act.

Section 15. Swain County Whistleblower Policy

Purpose and Scope

Swain County is committed to the highest standard of moral and ethical behavior by its employees, administrators, and elected officials. The purpose of this policy is to prohibit dishonest acts and/or fraudulent activity and to advise employees, administrators, and elected officials of their responsibility to report suspected fraudulent activity to the appropriate County office. This applies to any fraud, or suspected fraud, involving employees, administrators, and elected officials, as well as consultants, vendors, contractors, outside agencies, and/or any other parties having a business relationship with Swain County. This policy also applies to employees of local boards, agencies, and commissions over which the Board of Commissioners has the authority to require general policies be followed.

As used in this policy, the term “fraud” includes, but is not limited to, the following:

- Any dishonest or fraudulent act
- Forgery or alteration of a check, bank draft, or any other financial document or account
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Accepting or seeking anything of material value from vendors, contractors, or other persons providing services/materials to the County
- Using County funds to make unauthorized purchases
- Authorizing or receiving compensation for hours not worked
- Any similar or related inappropriate conduct

Suspected improprieties concerning an employee’s moral, ethical, or behavioral conduct should be resolved by departmental management and Human Resources.

Reporting Procedures

Any employee of Swain County who has a reasonable basis for believing a fraudulent act has occurred, or is occurring, has a responsibility to promptly notify their Supervisor, Department Head, or the County Manager. Supervisors, elected officials, and/or Department Heads have a

responsibility to immediately notify the County Manager of fraudulent activity reported to them by employees. If the case involves the County Manger the report should be taken to the Swain County Board of Commissioners. Reports can be sent by email or in writing to the proper authority.

No person acting on behalf of the County shall:

- Dismiss, or threaten to dismiss, any employee
- Discipline, suspend, or threaten to discipline or suspend an employee
- Impose any penalty upon an employee; or
- Intimidate or coerce an employee

because the employee has acted in accordance with the requirements of this policy. However, it shall also be a violation of this policy for any informant to make a baseless allegation of fraudulent activity that is made with reckless disregard for truth and that is intended to cause harm to another individual. Any violation will result in disciplinary action which may include dismissal.

Persons reporting suspected fraudulent activity should refrain from confrontation with the suspect and should not discuss the matter with anyone, unless they are directly involved in the discovery of the matter.

Investigative Procedures

The County Manger (or the Board of Commissioners) have the primary responsibility for investigating the reported fraudulent activity; however they may contact other individuals (such as the County Attorney, a Department Head, Supervisor, etc) as deemed appropriate to establish a team to investigate the suspected fraudulent activity.

In the instances where the investigation indicates possible criminal activity, the investigation will be turned over to the appropriate law enforcement agency.

The results of the investigation will be communicated orally and/or in writing to the audit firm and/or other appropriate designated personnel.

Confidentiality

All participants in a fraud investigation shall keep the details and results of the investigation confidential. Investigation results will not be disclosed or discussed with anyone other than those who have legitimate need to know, in order to protect the reputations of persons suspected of fraudulent activity but subsequently found innocent of wrongdoing and to protect the County from potential civil liability.

Media Issues

Any person contacted by the media with respect to an investigation into fraudulent activity shall refer the media to the County Attorney. The suspected fraud or audit investigation shall not be discussed with media by any person other than the County Attorney or County Manager.

Sanctions

- Employees and Administrators

1. Employees and Administrators suspected of participating in fraudulent activity may be suspended without pay during the recourse of the investigation, in accordance with policies established by Swain County.
 2. Employees and Administrators found to have participated in fraudulent activity will be subject to disciplinary action up to and including termination from employment and probable criminal prosecution or civil action.
 3. Employees and Administrators found to have knowledge of fraudulent activity and who knowingly failed to report the activity will be subject to disciplinary action up to and including termination of employment.
 4. If disciplinary action is warranted, such action will be taken after consultation between the County Manger, the Human Resources Director, the County Attorney, and other offices as deemed necessary and/or appropriate.
- Consultants, vendors, contractors, outside agencies, and/or any other parties having a business relationship with Swain County.
 1. The relationship of individuals or entities associated with Swain County found to have participated in fraudulent activity as defined by this policy will be subject to review, with the possible consequence of modification or termination of the relationship. If such action is warranted, the County Manger and appropriate offices will be consulted prior to the action being taken. Criminal or civil action may be taken against such individuals or entities.

Section 16. Age limitations

The minimum age for employment with the County is 18. All County employees will be encouraged to retire before age 70.

The County will not require an employee to separate from the County service because of age. However, the County does recognize that it is a handicap to the employee and to the County if employees who are not physically or mentally able to work are allowed to continue to work. Therefore, early retirement or termination may be necessary if an employee is found not physically or mentally fit for the performance of his/her duties. The County may require a medical examination with a physician of their choosing, with the employee's out-of-pocket examination expenses paid by the County, to determine the fitness of an employee to continue employment. Based upon medical reports and performance evaluations the employee may be terminated due to lack of fitness for the job.

Section 17. Smoking

No one is allowed to smoke within County buildings, offices, or vehicles.

Section 18. Animals in County Buildings

Animals will not be allowed in County Buildings except in the case of service animals.

Section 19. No Solicitation

Vendors are not allowed to market products, services, etc. on county property during office hours except those vendors representing a company dealing in products or services related to Swain County business. Approval for any exceptions will be at the discretion and direction of the Department Head or County Manger to ensure minimal office disruption.

Section 20. Safety

Each employee is responsible for following good, safe work habits and for complying with safety and health regulations. The protection of employees and the public on county property is a shared responsibility of every employee. Employees should notify their immediate supervisors of violations or deficiencies in safe and healthful working conditions. Employees recommendations for corrective measures will be welcomed.

Employees should notify their immediate supervisors of every injury or accident, regardless of their scope or severity. The Department of Labor can impose fines for not reporting accidents in a timely manner and it can result in delayed payment of claims. A copy of the Incident Investigation Form is at the end of Article IV. There is more information on Worker's Compensation in Article IX, Employee Benefits, Section 4.

Section 21. Workplace Etiquette

Swain County strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his/her attention. Swain County encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following suggestions for appropriate workplace behavior can help everyone to be more conscientious and considerate of co-workers and the work environment. Please contact your Supervisor if you have comments, concerns or suggestions regarding workplace etiquette. A lot of these apply to the office setting and do not apply to all departments.

- Return copy machine and printer settings to their default settings after changing them

- Replace paper in the copy machine and printer paper trays when they are empty
- Retrieve print jobs in a timely manner and be sure to collect all of your pages
- Keep the area around the copy machine/printers orderly and picked up
- Be careful not to take or discard others' print jobs or faxes when collecting your own
- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor
- Try to minimize unscheduled interruptions of other employees while they are working
- Communicate by email or phone whenever possible, instead of walking unexpectedly into someone's office or workspace
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas
- Keep socializing to a minimum, and try to conduct conversations in areas where noise will not be distracting to others
- Try not to block doorways while carrying on conversations
- Refrain from using inappropriate language that others may overhear
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear
- Clean up after yourself, put up tools and other items when completing a job

Section 22: Financial Accountability Procedure and Reconciliation Policy

Purpose: The purpose of this policy is to address procedural concerns with the accounting and budgeting of county funds. This policy is in compliance with North Carolina Cieneral Statues. NC Local Budget and Fiscal Control Act. General Accepted Account Principles (GAAP) and Governmental Accounting Standards Board (GASB) principles.

Procedure I:

- A. The finance officer will compare actual expenditures versus budget authorizations on a daily basis to correctly compare expenditures to the budget ensuring adequate funds for acquisitions.
- B. The Board of County Commissioners approves the budget for the annual allocations of funds to departments. Each month the board discusses and approves budget amendments prior to expenditures.
- C. The county finance officer and county manager will ensure that all budget amendments are presented to the board of commissioners in a timely manner and approved by the board prior to expenditure of any funds.

Procedure II:

- A. The county manager/budget officer will conduct an internal audit function of the finance department on a weekly basis. The manager/budget officer will monitor the daily journal entries along with receipts and disbursement of county funds to ensure proper accounting of all allocations and receipts.

Procedure III:

A. Duties of the finance department will be segregated between staff members to ensure that the receipt of funds and the accounting functions have been separated to ensure adequate internal control and reconciliation of all federal, state and local funds.

B. Staff member that are responsible for receiving funds are not permitted to log in the deposit into the accounting system. Other staff shall be responsible for the accounting functions associated with the collections of funds. This procedure will ensure multiple protections against fraudulent activity within the department.

C. Each daily journal entry sheet shall be signed by the county manager/budget officer to cross reference the receipts collected by staff members as well as staff that are in charge of the data input of receipts within the accounting system.

D. The county manager will conduct internal audits on a regular basis for the internal control function of Staff responsibilities. County manager along with finance officer will conduct detailed internal audits on a regular basis to ensure proper reconciliations of funds received and distributed for county operations.



REQUEST FOR FLEXTIME SCHEDULE

I would like to request a Flextime Schedule starting _____, 20____
and ending _____, 20____.

The Flextime Schedule that I am requesting is as follows:

Reason for Request:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Director or County Manager: _____ Date: _____

This form is be filed in the employee's personnel file.

**AGREEMENT BETWEEN EMPLOYEE AND
THE COUNTY OF SWAIN
REGARDING SECONDARY EMPLOYMENT**

Full-time employment with the County shall take precedence over all other employment opportunities. Any employment, other than employment with the County, including self-employment if it is income producing, is considered secondary. In order to participate in secondary employment, an employee shall have the prior written approval of the County Manager. The purpose of the approval procedure is to determine any effect on the primary employment with the County and to insure that a conflict of interest will not exist. There shall be periodic reviews during the time of secondary employment to determine if there are any adverse effects on County employment.

Secondary employment shall not be permitted when it would:

- Create either directly or indirectly a conflict of interest with the primary employment;
- Impair in any way the employee's ability to perform all expected duties, to make decisions and to carry out in an objective, efficient, and timely fashion the duties and responsibilities of the employee's position

If secondary employment is permitted it can not interfere with the employee's responsibility to the County. There will be no changes in schedule to accommodate the secondary position. Employees that cannot adjust their second job schedule around their schedule with the County will be asked to give up their secondary employment or leave the employment of the County.

A Board Member may work as an employee in one or more of the County's Departments as long as their hours do not exceed 30 hours per month and no prejudicial decisions are made.

This Agreement is not an employment contract between the parties hereto and said employment relationship between County and Employee shall remain as an at-will employment relationship, which may be terminated at any time by either party.

Name of company where I will be have secondary employment

Nature of Business _____

IN WITNESS WHEREOF, the parties have executed this Agreement on the following date _____.

THE COUNTY OF SWAIN

By: _____
Employee's Signature

Employee

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

I, _____, a Notary Public for the county and state aforesaid, do hereby acknowledge that _____, personally appeared before me and executed the foregoing instrument for the purposes contained therein.

Witness my hand and seal this the ____ day of _____, 20__.

(SEAL)

Notary Public

My commission expires:

**ARTICLE V
HOURS OF WORK AND OVERTIME**

Section 1. Overtime policy

The County will compensate non-exempt employees with time off, or pay at the rate of one and one-half times the overtime hours worked in excess of hours permitted within a workweek. Vacation, sick, holiday, petty and compensatory time used do not count as hours worked for the purpose of determining overtime hours. Executive, administrative, or professional employees that are exempt will receive only time off on an hour for hour basis for any hours over the hours permitted in a workweek. At the time of employment each employee will sign a form that states the kind of compensation they will receive in that position. If the position is changed the compensation type is also subject to change.

Supervisors shall make every effort to see that work is accomplished within the established workweek hours. However, the County recognizes that various work situations often dictate the number of work hours needed to provide County services.

Section 2. Compensation

Employees who are assigned to a regular forty hour week are to receive straight-time pay for those hours, with the provisions that:

- (1) for Fair Labor Standards Act "FLSA" non-exempt personnel will receive pay at 1.5 (time and a half) for hours in excess of permitted hours per week (Monday thru Sunday) or they will receive compensatory (comp) time off in lieu of pay at 1.5 (time and a half)
- (2) (2) FLSA exempt personnel will receive compensatory (comp) time off on an hour for hour basis. Any time above 240 hours (480 hours for Law Enforcement) will be administratively removed each December 31 and is lost (not paid) when an employee separates from service.

Compensatory time, if available, **must be used** before annual, sick or petty leave is used, and may not be transferred to any other type of leave. If you leave the employment of the County, comp time will be paid to non-exempt employees and written off for exempt employees. All Supervisors are urged to keep the amount of Compensatory time for themselves and employees to a minimum, using it in the same workweek if possible.

The Sheriff's Department will operate under the 7k Plan. The Detention Officers and Law Enforcement employees will not earn overtime until they have worked more than eighty-six hours in a two week period. Work Periods will start on Monday at 12:01 A.M. and end on the second Sunday at 12:00 A.M. All hours over eighty-six will go to comp time, time and a half for nonexempt employees and straight time for exempt employees. Holidays will be paid at straight time. Hours above 480 must be paid for nonexempt employees and written off for exempt employees. All employees are encouraged to use comp time as soon as possible.

Section 3. Hourly rate of pay

The hourly rate of pay, maintained by the Human Resource Department, is usually obtained by dividing the annual salary by the yearly hours. For regular employees that is 2080 (80 x 26). For departments required to be open on holidays the hours are 2176. For those that work twenty-four hours shifts, the 7k Plan, or regular scheduled overtime a different formula is used. Longevity payments are not included in determining the regular hourly rate of pay.

Section 4. The workweek

A workweek is a regular recurring period of consecutive hours. The County shall operate under a two workweek pay period. All employees will have an established workweek of Monday through Sunday for the purpose of computing overtime compensation. The workweek shall run from 12:01 a.m. Monday to 12:00 p.m. Sunday. Some departments may be different such as the Sheriff's Department. The workweek may be changed, but only if the change is intended to be permanent and is not made to evade this policy.

Section 5. Unauthorized work

Hours worked by an employee without his/her supervisor's permission or contrary to supervisor's instructions will generally not be considered as hours worked. Unrecorded hours worked during a workweek by an employee at the job site or at his/her home must be counted as hours worked if the supervisor knows or has reason to know of such practice. The Supervisors must enforce the no-work rule and the County may not unjustly benefit from work performed without prior knowledge.

Section 6. Hours worked

Hours worked is defined as the time during which an employee is required, suffered or permitted to be on duty on the County's premises or at a prescribed work place. Ordinarily, an employee's working hours will include all hours from the beginning of the work day to the end with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

Section 7. Leave and Holidays

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, holiday(s), sick, military, petty, compensatory or any other type of approved leave with pay, will not be counted as time worked. Such time off must be included in straight-time pay, but it is not included in computing hours of work for overtime compensation.

Section 8. Meal Period

A bone fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his/her purposes. It is not counted as hours worked or paid time. Employees may elect to work through meal periods, without recording a meal break on the time sheet, if approved by their supervisor. This means that the employee remains fully engaged in his/her work. Time spent going out for a carry-in lunch or visiting with other employees during lunch cannot be recorded as work time.

Section 9. Grievance Time

The time an employee spends during his/her regular work schedule in pursuing a grievance under the County's policy on employee grievances is work time. This time must be recorded and signed by the employee and their supervisor. Such time spent outside the employee's normal, daily work schedule is work time only if the employee's attendance is required by the County.

Section 10. Training Time

Reimbursement will be paid for travel expenses related to training, workshops and meetings approved in advance by the County Manager. Elective/voluntary attendance at training sessions, workshops, and other meetings which has not been approved in advance is not work time and travel expenses will not be reimbursed.

Section 11. Recordkeeping for Hours Worked and Wages Paid

Records of hours worked and wages paid shall be kept for each employee. Records must be preserved for at least three years. Such records shall be kept in the Human Resource Department and shall include:

- (1) Name
- (2) Home address
- (3) Sex and date of birth
- (4) Job title
- (5) Daily time logs
- (6) Total wages paid each pay period
- (7) Date of payment and pay period covered
- (8) Basis on which wages are paid (such as "\$8.50 hr.", "\$201.00 wk.", or "\$438.00 mo.")
- (9) Amount and nature of each payment excluded from regular rate
- (10) Total daily or weekly straight-time earnings or wages
- (11) Total overtime (compensatory) earnings for the workweek, if any
- (12) Total additions to or deductions from wages paid each pay period plus the dates, amounts and nature of the items which make up the total additions and deductions.

Section 12. General Exemptions from U.S. Fair Labor Standards Act (FLSA) and Overtime Compensation

The exempt or non-exempt status of any particular employee is determined on the basis of the nature of work performed, the duties and responsibilities assigned, and the terms or conditions of employment.

Generally speaking, those positions to be considered exempt will be found within the definition of executive, administrative and professional employees. The emphasis here is on the nature and character of work assignments; also, managerial responsibility as a primary duty.

Part I. Exemption from FLSA and Overtime Compensation - Executive Employees

An employee is exempt as an executive, if he/she meets these conditions:

(1) His/her primary duty is managing or directing operation of the County or a customarily recognized department or subdivision thereof.

(2) He/she customarily and regularly directs the work of two or more full-time employees.

(3) He/she has authority to hire and dismiss, or his/her suggestions on hiring, dismissals, promotions, or changes of employee status carry substantial weight.

(4) He/she must be compensated on as salary basis at a rate not less than \$455 per week..

This policy requires that the primary duty of an executive employee must be management. Managerial duties take into consideration the frequency of the employee's use of discretion, and his/her relative freedom from supervision.

The following functions come within the scope of management: interviewing, selecting and training of employees; setting and adjusting rates of pay and hours of work; directing work; maintaining records for use in supervision or control; appraising productivity and efficiency for recommending promotions or other changes in status; handling complaints; disciplining employees; planning work; determining work techniques; controlling the flow and distribution of materials and supplies; and, providing for the safety of workers and property.

The workers who are supervised must be employed in the department that the executive is managing.

Moreover, an executive employee must be directly concerned either with the hiring or the dismissal and other change of status of the employees under his/her supervision, whether by direct action or by recommendation to those authorized to hire and dismiss.

This policy requires that an executive customarily and regularly exercise discretionary powers.

Customarily and regularly is interpreted to mean a frequency that must be greater than occasional, but may be less than constant. The requirement is met by the employee who normally and recurrently is called upon to use and does use discretion in the day-to-day performance of his/her duties. An employee whose work is so completely routinized that he/she has no discretion does not qualify for exemption.

Part 2. Exemption from FLSA and Overtime Compensation - Administrative Employees

An employee is exempt as an administrative employee, if he/she meets these conditions:

- (1) His/her primary duty consists of performing office or non-manual work directly related to management policies or general business operations of any department or subdivision of the County.
- (2) He/she customarily and regularly exercises discretion and independent judgment, as distinguished from using technical skills or following procedures.
- (3) He/she must be compensated on a salary or fee basis at a rate not less than \$455 per week.

To qualify for exemption as an administrative employee, an employee must have as his/her primary duty office or non-manual work directly related to management policies or general operation of the County's programs. This condition is met by employees who participate in the formulation of management policies, or in the operation of the County as a whole. It is also met by employees whose work affects policy or who execute policy, and by employees whose work affects County operations to a substantial degree even though their assignments are only for a particular division of the County.

Discretion and independent judgment are terms interpreted to mean the authority to make an independent choice, free from immediate supervision, in significant matters. Decisions by an exempt administrative employee need not have a finality that goes with unlimited authority and a complete absence of review. It is acceptable for the decisions to consist of recommendations for action, or to be subject to review.

Part 3. Exemption from FLSA and Overtime Compensation - Professional Employees

An employee is exempt as a professional employee, if he/she meets these conditions:

- (1) His/her primary duty consists of performance of (a) work requiring knowledge of an advanced type in the field of science or learning, customarily acquired by prolonged specialized instructions and study, as distinguished from general academic education (lawyers, engineers, certified public accountants, etc.); or, (b) work that is creative and original (writers, architects, designers, etc.); or, (c) activities of imparting knowledge such as

teaching, tutoring, instructing, lecturing, etc.

(2) His/her work requires the consistent exercise of discretion and judgment in its performance.

Learned Professions - The learned professions are described as those requiring knowledge

of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study. These points should be noted:

(1) The knowledge has to be of a type that cannot be attained at the high school level.

(2) The word customarily implies that in the vast majority of cases, specific academic training is necessary for entrance into the profession. However, the exemption is available to employees who have gained their knowledge by home study and experience, such as appropriately barred lawyers who have not gone to law school.

(3) The exemption does not apply to entire occupational groups regardless of the specific duties of the particular individual. For example, exemption of accountants must be determined on the basis of the individual accountant's duties and other qualifications.

Section 13. FLSA Exempt and Non-Exempt Classifications by County Job Title

Exempt – Executive

County Manager
Human Services Director

Exempt-Administrative

Health Director
Socials Services Director
Department Heads that meet the exempt administrative requirements

Exempt – Professional

System Administrator

Section 14. Part-Time and Temporary Employees

It is the intent of this policy section regarding “hours of work and overtime” to include part-time permanent and temporary employees.

**ARTICLE VI
SEPARATION AND DISCIPLINARY ACTION**

Section 1. Types of separation

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

Section 2. Resignation

An employee who desires to terminate his/her employment with the County must give written notice to his/her immediate supervisor at least two weeks prior to his/her last intended day of employment. This written notice is be forwarded to the Department of Human Resources to go into the employee's Personnel File. 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, and will be denied pay for accrued annual leave. Once an employee turns in their resignation the Supervisor has the option of telling the employee to leave work immediately without waiting the notice period. If the employee is told they do not have to work the notice, that employee will be paid for the two weeks the same as if they worked it and they will be paid their annual and comp leave on their last check. An employee who is absent from work three consecutive days without reporting to his/her supervisor the reason for his/her absence shall be considered to have resigned his/her employment without notice, and notation to this effect shall be recorded on the employee's service record. An employee separated under these conditions shall receive no pay for accrued annual leave.

Before leaving employment every employee should complete the duties expected of them. All County equipment such as keys, uniforms, cell phones, ID Badges, etc. should be turned in to the supervisor before the last day. The employee should contact Human Resources to schedule an Exit Interview Conference and receive information regarding insurance and other benefits.

Section 3. Reduction in force

Sometimes it may be necessary to separate employees due to shortage of funds or work, abolishment of a position, or other material changes in duties or organization. Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in classes where employees with a permanent appointment must be separated in the same or related class.

A reduction in force necessarily compels a through evaluation of the accomplishments of specific programs, the need for particular positions, and the relative value of specific employees so that a department can provide the highest level of service with a reduced work force.

Retention of employees shall be based on a systematic consideration of, at a minimum, the

following factors:

- type of appointment
- efficiency
- impact on other workers
- length of service

A written plan shall be prepared by the Department Supervisor with steps that should include at least the following:

1. The number of positions which must be deleted to meet the established goal.
2. The reasons for eliminating entire program or parts of the program.
3. The class of position to be eliminated and determine if personnel can be placed in other positions, attention should be given to using vacant positions to utilize employees who would otherwise be separated.
4. The areas where positions must be reduced or eliminated.
5. Specify when evaluations of the employees in the class subject to the reduction in force will be done. The evaluations should be based on:
 - a. Needs of the department to deliver the services
 - b. Relative skills, knowledge, productivity and value of employees (refer to documentation from Employee Performance Appraisals)
 - c. Length of service of employees
6. How remaining work will be accomplished and what the impact will be on other workers in the department.
7. Documentation of steps followed in reduction in force.
8. Include the date that the decision to reduce will be effective.

When the Department Supervisor has completed the plan, for the reduction in force, it is to be presented to the County Manager. The County Manager along with the Department of Human Resources will review the plan to ensure that it is consistent with the County Policy for Reduction in Work Force as enacted by the Board of Commissioners.

After the necessary decisions have been made through application of the above criteria, the Department Supervisor or County Manager shall give formal written notice to all employees scheduled for separation. The notice shall be given as soon as practical. The Department Supervisor or County Manager shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the Reduction-in-force policy.

All vacation leave, and comp time if any, that is accumulated shall be paid upon separation.

Section 4. Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. The County will take reasonable steps to improve the working environment to accommodate the employee. This type of separation action may be initiated by the employee or the County, but in all cases it shall be supported by medical evidence. The County may require an examination, with the County paying the employee's out-of-pocket expenses, and performed by a physician of the County's choice.

Section 5. Retirement

Most County employees are required to participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System (See Article IX, Section 3). Any employee who is planning to retire must submit a written notice to their Supervisor at least three months, or as soon as possible, prior to the planned effective retirement date. The employee will be required to see the Human Resource Department to start the paperwork required. Forms cannot be sent in any earlier than 120 days before the retirement date. Non-exempt employees retiring from County service shall be paid for all annual and comp leave not used at the time of retirement. Exempt employees will be paid for all annual leave and comp time will be written off. Employees may apply unused sick leave to retirement credit consistent with Retirement System rules. Every twenty days of sick leave counts as another month toward retirement.

Section 6. Death

All compensation due to 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.

Section 7. Disciplinary actions -- general overview

The disciplinary process described hereunder is a general guide, rather than a set of absolute rules. These procedures serve as a guide to help employees understand how disciplinary matters are frequently handled. Management reserves the right to evaluate each case on its merits and to use discipline that is appropriate. This discipline policy in no way limits the County's right to discharge employees at will.

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. Depending upon the circumstances one or more of the following kinds of disciplinary actions may be taken: counseling, oral reprimand, written reprimand, withholding of promotion or merit pay increase, disciplinary day off, referral for counseling, transfer, demotion, suspension (with or without pay), or dismissal. The County Manager or Director,

along with Department Heads shall have the authority to administer any of the aforementioned forms of discipline.

Before disciplinary action resulting in demotion or dismissal is taken for failure in performance of duties, an employee whose work performance is unsatisfactory should receive two warnings in writing. Because of substantial differences between failure in performance of duties and failure in personal conduct, the disciplinary actions for each may be carried out differently. In all cases the employee should receive a written summary of circumstances and reason(s) for disciplinary action(s) taken, a copy of which should go into his/her personnel file.

Section 8. Disciplinary actions for failure in performance of duties

An employee whose work is unsatisfactory over a period of time should be notified by his/her immediate supervisor and told in what way the employee's work is deficient, and what must be done to make the work satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the immediate supervisor and the County Manager.

The following causes relating to failure in the performance of duties are representative, and are not intended to be all inclusive of those causes considered to be adequate grounds for transfer, demotion, suspension (with or without pay) or dismissal:

- (a) Demonstrated inefficiency, negligence, or incompetence in performing one's duties;
- (b) Careless, negligent, or improper use of County property or equipment;
- (c) Physical or mental incapacity to perform duties as determined by the County Manager in consultation with a physician;
- (d) Discourteous treatment of the public or other employees;
- (e) Abuse of County policies and regulations;
- (f) Habitual pattern of failure to report for duty at the assigned time and place; Improper use of sick leave privileges;
- (g) Habitual failure to post out-of-office whereabouts or to otherwise advise the Department's secretary/receptionist of same;
- (h) Failure to obtain or maintain a current license or certificate required as a condition for performing the job, including a valid North Carolina driver's license.

Section 9. Progressive Steps of Discipline

The progressive steps of discipline outlined below should normally be taken with an employee whose performance is unsatisfactory. In some cases the seriousness of the problem may warrant immediate transfer, demotion, suspension (with or without pay) or dismissal.

a. Oral Warning(s) - The Department Head with a witness, perhaps the Human Resource Director and/or the County Manager depending on the offence, should talk privately with the employee and discuss the following:

1. How the employee has not met the performance requirements of the job and why his/her performance has been unsatisfactory;
2. What is expected of the employee and why;
3. The employee's reasons for his/her actions and/or poor performance;
4. Specific actions the employee needs to take to improve performance to a satisfactory level. The supervisor should record the date of the discussion and other necessary information for any needed future use. The Human Resource Director should be provided with a copy of the supervisor's notes for inclusion in the employee's official personnel file.

b. Written Warning(s) - The Supervisor, and/or County Manager, should prepare a written summary of the performance problem as outlined below, then present the written warning to the employee, in the presence of the Human Resource Director, and discuss its contents. The warning should include the following:

1. Date(s) and points covered in previous oral warning(s);
2. A description of specific performance problems;
3. Specific actions the employee needs to take to improve performance to a satisfactory level;
4. The time frame allowed for improvement;
5. A strong indication that continuation of the performance problem(s) will result in more severe disciplinary action, up to and including dismissal.

The written warning should be signed by the employee with a copy being forwarded to the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor, should indicate on the warning if the employee refuses to sign it.

- c. Disciplinary day off, suspension (with or without pay), transfer, demotion or dismissal;

If oral and written warnings have not been successful in improving performance, the County Manager or Director may authorize a disciplinary day off before imposing more severe discipline for the purpose of allowing the employee to contemplate impending and more severe disciplinary action.

Suspension (with or without pay), transfer, demotion or dismissal may take place after the following has occurred:

1. A written summary of the case, including disciplinary action to be taken, should be prepared by the Supervisor, or his/her designee along with a description of the action to be taken;
2. An effective date for the action shall be determined;
3. The employee should be provided with a copy of the written summary noted in (1) above, and a copy should be placed in the employee's personnel file.

Section 10. Disciplinary actions for failure in personal conduct

An employee may be transferred, demoted, suspended (with or without pay) or dismissed for causes relating to personal conduct detrimental to service with the County. Such action will normally be taken in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

The following causes relating to failure in personal conduct are representative, and are not intended to be all inclusive of those considered to be adequate grounds for suspension (with or without pay) or dismissal:

- (a) Misrepresentation in securing employment;
- (b) Indictment or conviction of a felony or of a misdemeanor, or the entry of a plea of "no contest" to either;
- (c) Misappropriation or misuse of County property;
- (d) Falsification of County records including timesheets and travel reimbursement requests;
- (e) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while in County offices, except that prescribed medication may be taken within the limits set by a physician so long as is medically necessary;

(f) Absence without approved leave, including absence beyond the period approved by the supervisor without the approval of an extension;

(g) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination);

(h) Possession of unauthorized firearms or lethal weapons on the job;

(i) Giving or accepting gifts in exchange for favors or influence;

(j) Engaging in unauthorized political activity (see Article IV, Section 4);

(k) Other misconduct including willful disregard of the County's interests such as disregard of professional behavior standards, which the County has a right to expect of an employee. Other examples include recurring carelessness or negligence which imply wrongful intentions or intentional and/or substantial disregard of the employee's duties and obligations to the County.

(l) Any act covered under Workplace Violence (Article 4, Section 11)

An employee may be suspended (with or without pay) or dismissed without warning for causes relating to personal conduct detrimental to County service. In less serious or less disruptive situations, steps similar to those listed under Section 9 above should be followed. When an employee is suspended immediately, the following steps should be taken by the County Manager or designee:

a. Tell the employee to leave the work site at once and either report back at a specified date and time or remain away until further notice.

b. Clearly document all facts leading to the suspension or dismissal. A written summary should be prepared giving the circumstances and facts which led to the decision for suspension or dismissal. If the decision is to suspend, the written summary should detail the requirements and length of the suspension. A copy of the written summary should be filed in the employee's personnel folder, and a copy furnished the employee.

Section 11. Right of appeal

An employee, except Article I, Section 2, (b) and (c) may appeal disciplinary action taken against him/her through the County's grievance procedure as described in Article VII of this manual. Employees that are probationary and those not full time do not have the right of appeal.



SWAIN COUNTY EMPLOYEE WARNING NOTICE

Employee Name: _____ Date: _____
Position: _____
Dept.: _____

___ First warning ___ Second warning

Description of problem requiring improvement or correction (include dates & examples):

Specific changes in performance or behavior required and time frame in which they must occur:

Date of follow-up review/evaluation of problem and correction: _____

Failure of employee to correct problem may result in further disciplinary action up to and including termination of employment.

Employee comments:

Employee Signature: _____ Date: _____

Document if employee declines to comment or sign. Obtain witness signature. If more space is needed, note here that another sheet is attached: ___ yes ___ no

Supervisor comments:

Supervisor Signature: _____ Date: _____

ARTICLE VII GRIEVANCE PROCEDURES

Section 1. Policy statement

The County desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

The following are objectives of the County grievance procedure:

Assure a process by which employees can get their problems or complaints considered rapidly, orderly, fairly, and without fear of reprisal.

Encourage employees to express themselves about how the conditions of work affect them as employees.

Foster better employee understanding of County policies, practices, and procedures.

Provide employees with assurance that actions are taken in accordance with policies.

Provide a check on how policies are carried out.

The grievance process described herein is a general guide, rather than a set of absolute rules. These procedures serve as a guide to help employees understand how grievance procedures are frequently handled. Management reserves the right to evaluate each case on its merits and to use a grievance process which is appropriate.

Nothing in this section is intended to supercede or supplement equal employment opportunity grievance procedures provided by state or federal law, rules or regulations.

Section 2. Grievance - definition

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works and is allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, sexual harassment, unreasonable work quotas, or any other grievance relating to conditions of employment.

Section 4. Grievance procedure

All grievable disputes, as defined in the preceding sections, should be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon by the grievant and the County. Failure by the employee to process a complaint within the following process and within the stated time limits, or mutually agreed upon time extension, shall constitute termination of the complaint. At each step of the grievance process where written documentation is required, a copy of the documentation should be given to the employee and a copy should be placed in the employee's permanent personnel file.

Any grievant who alleges discrimination pursuant to Article VIII, Section 1 is strongly encouraged, but not required, to use the procedures contained in the steps described below before considering use of procedures contained in Article VIII, Section 2 through the EEOC.

Step one

An employee with a grievance shall present the matter orally or in writing to his/her immediate supervisor within ten working days of its occurrence or within ten working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the grievance is against the immediate Supervisor, it may be filed with the Human Resource Director (if there is no Director in that Department). In the case of the County Manager, the Chairman of the Governing Board shall be considered as the immediate supervisor. If the exact date of the occurrence cannot be determined, or if the grievance flows from an alleged pattern of occurrences, the employee should file the grievance within ten days after the occurrence is known to the grievant, or within ten days after the pattern of occurrences becomes grievable to the grievant. The supervisor is encouraged to consult with any other County employee necessary to reach a correct, impartial, and equitable determination of the matter. The immediate supervisor should give the employee an answer as soon as possible, but within ten working days.

Step two

If the response from step one is not acceptable to the grievant, the grievant may file, within ten working days after receipt of the response, an oral or written grievance with the Human Resource Director. This enables the employee and the supervisor to have the grievance reviewed by someone external to the department. The Human Resource Director should hear the grievance within ten working days, obtaining from the grievant and supervisor any information deemed pertinent, and rendering a decision within ten working days after the hearing. If the grievant's immediate supervisor is the Human Resource Director, then step three, below, is the next appropriate action.

Step three

If the response from step two is not acceptable, the grievant may file, within ten working days

after receipt of the response in Step 2, a written grievance with the County Manager. The County Manager should hear the grievance within ten working days, obtaining from the grievant, Supervisor, Director and Human Resources Director any information deemed pertinent and rendering a decision within ten working days after the hearing. The grievant, with the assistance of the Supervisor, Director and the Director of Human Resources, shall be responsible for providing the County Manager with a written summary of the facts of the complaint. The County Manager should set a time to hear the complaint, but not more than ten working days after the request for the hearing has been received. Within ten working days after the hearing the County Manager should render a decision to be carried out in a reasonable amount of time. The decision of the County Manager is final and binding and in itself not grievable. The County Manager is authorized to reinstate an employee to a position from which he/she has been removed, to order the employment, promotion, transfer, or salary adjustment of any individual to whom such has been wrongfully denied or to direct other suitable corrective action which may include requirement of payment for any loss of salary which has resulted from improper personnel action.

ARTICLE VIII DISCRIMINATION

Section 1. 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 applicants' qualifications and without regard to age, sex, race, marital status, color, creed, religion, income status, political affiliation, physical disability, or national origin. Any applicant, current, or former employee of the County who has reason to believe that employment, promotion, training or transfer was denied him/her or that transfer, demotion, lay-off or termination of employment was forced upon him/her because of his/her age, sex, race, marital status, color, creed, religion, income status, political affiliation, physical disability, or national origin, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient service, shall have the right to appeal directly to the appropriate and cognizant state or federal office, department or County. The employee has the right to present his/her problem or appeal free from interference, restraint, coercion, or reprisal.

Section 2. Procedure for claims under the Civil Rights Act

Any grievant who alleges discrimination pursuant to Article VIII, Section I, above, is strongly encouraged, but not required, to use the procedures and steps contained in the grievance procedures of Article VII before considering use of the procedures contained of this section.

The Human Resource Director is authorized to provide instructions and assistance to the aggrieved individual on how to file a discrimination complaint with the County, the cognizant agency of the State of North Carolina, or the United States Office of Civil Rights. Complaints alleging discrimination under Title VI of the Civil Rights Act, or related laws/rules/regulations under the federal Job Training Partnership Act, may be filed directly with the U.S. Office of Civil Rights and/or the United States Department of Labor. Such complaints must be filed within 180 days from the date of the alleged discrimination. Complaints filed with the United States Office of Civil Rights and/or the U.S. Department of Labor must follow the requirements listed below.

The complaint must:

- be signed by the complainant or his/her authorized representative;
- contain the name and address of the complainant;
- contain the name and address of the agency which committed the alleged violation;
- contain a description of the act or acts considered to be a violation;

- contain all other information as appropriate which may assist in the investigation or resolution of the complaint;
- sent by the complainant by certified mail to the appropriate federal agency.

Section 3. Procedure for claims under the Rehabilitation Act

Complaints alleging discrimination under Section 504 of the Rehabilitation Act, and complaints alleging unfair employment practices based on terms and conditions of employment with the County must be filed with the County Manager within 180 days of the alleged discrimination. The County Manager and the Human Resource Director shall undertake an internal review of such a complaint and provide the complainant with a written determination no later than 20 calendar days after the date of filing. Any appeal from the determination of the County is to be filed within 30 calendar days thereafter with the appropriate state or federal agency. Such appeals must:

- be signed by the complainant or his/her authorized representative;
- contain the name and address of the complainant;
- contain the name and address of the agency which committed the alleged violation;
- contain a description of the act or acts considered to be a violation;
- contain a copy of the County's written determination if one has been made from which the complainant seeks relief;
- contain a certified statement from an appropriate medical or otherwise licensed professional that the individual is handicapped, has a history of a handicap or is regarded as being handicapped;
- contain all other information as appropriate which may assist in the investigation or resolution of the complaint;
- be sent by certified mail by the complainant to the appropriate state or federal agency.

ARTICLE IX EMPLOYEE BENEFITS

Section 1. Group Health Insurance

The County shall make medical insurance available to all employees who are considered full-time permanent employees with 30 or more hours of work per week. The health insurance will be effective on the first of the month following one full calendar month of employment. The employee may elect to obtain spouse/dependent coverage at his/her own expense through payroll deduction. The employee is responsible for part of the cost of the insurance.

Section 2. Health Insurance for Retired Employees

To be eligible to stay on the County insurance the following conditions must be met:

- 30 years of service at any age
- 25 years of service and age 55
- 10 years of service and age 62

Employees who qualify may remain on the county's group insurance plan until they are eligible for Medicare. All coverage will terminate the last day of the month in which they reach 65 years of age. The county will provide the same costs benefits as provided to regular employees. Retired employees will not qualify for continuation on the County's group plan if they become eligible for coverage under another group coverage plan as a result of active employment subsequent to retirement from the County. Spousal and dependent coverage will be optional with the employee paying total cost for dependent coverage. However, no new dependents may be added following retirement. The election to remain on the County's Health Insurance must be made at the time of retirement and the employee must be on the Health Insurance Plan the County has at that time. If monthly payments are required they must be made by the 10th of the preceding coverage month. The obligation to maintain health insurance stops if an employee's health premium is more than 30 days late. The County will provide 15 days notice that coverage will cease.

Section 3. Retirement Plan

All permanent full-time employees and those working a minimum of 20 hours per week 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. Enrollment is effective six months after the date of employment with the County.

Under the retirement plan employees are entitled to disability retirement after five years of creditable service. If an employee becomes totally and permanently disabled for work he/she may become eligible for disability retirement benefits. The determination of disability is made by the Retirement System.

Employees also have a death benefit under the retirement plan equal to their salary for the previous 24 months, which is an amount no less than \$25,000 and no more than \$50,000.

To increase creditable service time employees can purchase time for past military service, out-of-state service, and voluntarily withdrawn accounts to the extent allowed by current rules of the North Carolina Local Governmental Employees' Retirement System.

All new employees have a six month waiting period before they can join the retirement system. If an employee returns to work with Swain County within one year after leaving the waiting period will be waived.

The Human Resource Department can give employees a booklet explaining the retirement system or they can access their account and view their contributions online at www.nctreasurer.com

Section 4. Worker's Compensation

Employees are covered by the North Carolina Worker's 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 so that appropriate action can be taken at once. Claims that are not reported timely are subject to fines. The **Accident Investigation Form** should be completed for each incident.

The County through the North Carolina Association of County Commissioners carries workers' compensation insurance.

No leave will be charged on the day of injury. If the injury results in additional time away from work then the employee has the choice of using sick or vacation leave, or leave without pay, for the waiting period required by workers' compensation (7 days). Then the employee will become eligible to receive worker's compensation payments equal to two-thirds of his/her weekly earnings, (but no more than the maximum weekly salary set by the State of North Carolina) and will be removed from the County payroll.

If a claim for worker's compensation is denied, the employee will be allowed to use accumulated sick and annual leave, and then be placed on leave without pay status provided they have a written excuse from the doctor. The employee may elect to maintain his/her accrued leave and be placed on leave without pay.

Employees injured on the job in a compensable accident, in order to reach maximum medical improvement, requiring medical or therapy visits during regularly scheduled working hours will be reimbursed by workers' compensation for time and travel according to their schedule.

While on workers' compensation leave, the employee shall continue to accumulate vacation and

sick leave to be credited to their account for use upon return to work.

If the employee does not return to work, vacation leave accumulated **only** during the first twelve months of workers' compensation leave will be exhausted by a lump sum payment along with other unused vacation which was on hand at the time of injury (never to exceed 240 hours). Not returning to work will result in the loss of any sick leave accumulated.

While on workers' compensation leave, an employee will continue to be covered under the County's Health Insurance Plan the same as any other employee. If monthly payments are required they must be made by the 10th of the preceding coverage month. The obligation to maintain health insurance stops if an employee's health premium payment is more than 30 days late. The County will provide 15 days notice that coverage will cease.

While on workers' compensation leave an employee will not receive retirement credit. As a member of the Retirement System, the employee may purchase credits for the period of time on leave. The Retirement System will compute the cost.

If an employee is eligible for longevity pay, they will receive their annual payment. They will continue to receive longevity credit.

It may be necessary to terminate the employment of an employee who is determined medically to be unable to return to work because of his/her injury. This determination shall be made following a formal evaluation of his/her case, including a medical examination, with the County paying the employee's out-of-pocket examination expenses, and performed by a physician of the County's choice. If an employee does not return to work because of medical reasons he/she may be eligible to retire under the provisions of disability retirement (see Section 2 above).

If the employee becomes able to return to work, he/she may apply for any vacant County position for which he/she is qualified and may receive priority consideration over other qualified candidates who are not County employees. He/she may be required to undergo a medical examination before returning to work.

Section 5. Employees Subject to Benefits

Full – Time Employees with 30 hours or more will be eligible for health insurance. Employees that were hired prior to October 12, 2004 and are currently eligible for pro-rated leave will continue to receive pro-rated leave until leaving the employment of the County.

**ARTICLE X
LEAVES OF ABSENCE**

Section 1. Holidays observed

The following days, and such other days as the County Board of Commissioners may designate, are holidays with pay for full-time County employees. Only those employees that work 40 hours per week will receive holiday pay.

New Year's Day	January 1
Martin Luther King Birthday	Third Monday in January
Easter	Friday before Easter Sunday (Good Friday)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving	Fourth Thursday and Friday in November
Christmas	According to the schedule shown below

When Christmas Day falls on:

the County observes:

Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

Regular holidays which occur during an annual, sick, or other paid leave period of any employee shall not be charged as annual, sick, or other leave. Employees required to work on an observed holiday will receive holiday pay at regular wage plus their regular salary for the day.

Section 2. Vacation leave - policy

Vacation leave shall be used for rest and relaxation, for sickness and medical appointments when sick leave is exhausted, and for unexcused absences due to adverse weather conditions. Employees are encouraged to use their vacation leave during each year to renew their physical and mental capabilities. Compensatory time, if available, must be used before annual (vacation), sick or any other leave is used. During the first twelve months of employment vacation leave cannot be used.

Section 3. Vacation (annual) leave - accumulation

Persons hired on or before the fifteenth of the month earn vacation leave for that month. Those hired after the fifteenth of the month begin earning vacation leave on the fifteenth of the following month.

Time taken off by employees using approved leave with pay, or receiving worker's compensation benefits, shall be counted as time worked for the purpose of vacation leave accumulation.

All full-time County employees shall accrue vacation leave at the following rate:

<u>Length of Service (years)</u>	<u>Hours Earned Per Month</u>	<u>Hours Earned Per Year</u>	<u>Days Earned Per Year</u>
Less than 2	7 hrs – 50 min.	94	11 3/4
2 less than 5	9 hrs – 10 min	110	13 3/4
5 less than 10	11hrs – 10 min	134	16 3/4
10 less than 15	13 hrs - 10 min	158	19 3/4
15 less than 20	15 hrs - 10 min	182	22 3/4
20 or more	17 hrs –10 min	206	25 3/4

An unlimited amount of vacation leave may be accumulated; however, only a maximum of 240 hours can be carried over at the beginning of a new calendar year. Any vacation leave accumulated beyond 240 hours on December 31 will automatically be transferred to the employee's accumulated sick leave. Only those employees who work 40 hours per week shall receive annual leave. Those employees hired before October 12, 2004 that were eligible to receive prorated leave will continue to do as long as they continue to work for Swain County.

Section 4. Vacation leave - advancement

Under extenuating circumstances, an employee may be advanced vacation leave. Such advancement of leave may be made by the Supervisor with approval from Human Resources, and can never be more than that employee would accumulate during the rest of that calendar year.

Section 5. Vacation leave - use and reporting

Vacation leave may be taken as earned by the employee, subject to the approval of the employee's supervisor, except in the case of a new employee during his/her first 12 months of employment. However, a new employee may be allowed to take vacation leave, but only in special circumstances and with the approval of the Supervisor and the Department of Human Resources.

All requests for extended vacation leave (5 days or more) should be submitted on the appropriate

form (Request for Leave Form) prior to or at the time of leave. Vacation leave time cannot be taken is less than one quarter of an hour.

Section 6. Vacation leave - payment of leave upon termination of employment

Upon termination of employment with the County for whatever reason, an employee must have worked through the 15th of the month of termination to earn vacation leave for that month. At the time of an employee's separation, all, if any, vacation leave owed the County shall be deducted from the employee's final compensation.

Upon submission of a resignation, an employee shall be eligible to be paid for vacation leave accumulated to the date of separation. However, an employee forfeits his/her right to be paid for unused vacation leave if he fails to give at least two weeks prior notice of his/her resignation as outlined in Article VI, Section 2. The maximum amount that will be paid is 240 hours. If an employee gives a two week notice and the Supervisor informs them they can leave then and will not be required to work the notice, they will be paid for the two weeks as though they had worked.

An employee who is involuntarily separated without failure in performance of duties or personal conduct, as outlined in Article VI, Sections 8 and 10, shall be paid for vacation leave accumulated to the date of separation.

Section 7. Vacation leave - payment of leave upon death

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account. The maximum amount to be paid out is 240 hours.

Section 8. Sick leave - policy

Sick leave with pay is a privilege granted by the County for the benefit of an employee when sick or injured or when tending to an immediate family member (spouse, parents, in-laws, and children including step relationships) or member of the employee's household who is sick. Sick leave may also be used for medical appointments, death in the immediate family (spouse, parents, children, brother, sister, grandparents, and grandchildren, including step, half, and in-law relationships), and exposure to a contagious disease when continuing to work could jeopardize the health of others. Minimum sick leave that can be taken is one-quarter hour. Upon employment, the County will accept any unused sick leave from other County, State, or Federal agencies up to a maximum of 240 hours. It should be presented on letterhead and signed by an official of the other agency. For this time to be accepted it must be submitted within thirty days of employment.

Section 9. Childbirth - policy

In accordance with the County's policy on Equal Employment Opportunity, female employees shall not be penalized in their condition of employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery. Disabilities resulting from pregnancy shall, for sick leave purposes, be treated the same as any other temporary disability suffered by an employee. Accumulated sick leave may be used for the period of actual disability as a result of childbearing or recovery from. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability. See also Section 19, Maternity Leave.

Section 10. Sick leave - accumulation

Each full-time permanent and probationary employee shall earn sick leave at the rate of eight hours per month. Employees hired on or before the fifteenth of the month earn sick leave for that month and those hired after the fifteenth of the month begin earning sick leave on the fifteenth of the following month. Only employees that work 40 hours per week will receive sick leave. Full Time employees hired before October 12, 2004 that are eligible for prorated leave will continue to earn leave on a prorated basis.

Time taken off by employees using approved leave, or receiving worker's compensation benefits, shall be counted as time worked for the purpose of sick leave accumulation. There is no maximum accumulation for sick leave. Upon retirement every twenty days of sick leave counts as another month worked for retirement purposes.

Section 11. Sick leave - advancement

Under extenuating circumstances, an employee may be advanced sick leave. Such advancement of leave will be made only with the approval of the Supervisor and the Department of Human Resources, and will not be more than the employee can earn in sick leave during the remaining calendar year.

Section 12. Sick leave - use and reporting

Sick leave must be charged as used. Minimum sick leave that can be taken is one-quarter hour. All employees shall be eligible to use sick leave as soon as it is earned.

Employees are required to notify their supervisor(s) no later than one hour after the beginning of their regular workday if they are unable to be at work because of illness.

Section 13. Sick leave - physician's certification

For all absences due to illness extending beyond **three days**, a physician's certificate providing proof the employee was unable to work due to illness, injury, or illness in the employee's family,

and addressing the employee's capacity to resume duties is required.

Failure of an employee to provide requested proof shall constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

Section 14. Sick leave - retirement credit

One month of retirement credit is allowed for each 20 days (160 hours) of sick leave accrued at time of retirement, subject to current rules and limitations of the North Carolina Local Governmental Employees' Retirement System.

Section 15. Sick leave - payment upon separation

Employees will not be paid for any portion of unused sick leave when they, for any reason, leave the employment of the County. If the employee requests to transfer their unused leave to another agency the Human Resources Department will do a letter on county letterhead with the hours the employees has.

Section 16. Leave without pay - policy

A permanent or probationary employee may be granted a leave of absence without pay for up to six calendar months by the Supervisor and the County Manager. This can apply when an employee is not eligible for Family Medical Leave or Family Medical Leave has been exhausted. The employee may elect to use appropriate accrued leave before going on leave without pay status for reasons of personal or family disability or special work or education that will permit the County to benefit by the experience gained.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining his/her accumulated compensatory or vacation leave. He/she must use accrued compensatory and/or vacation leave before requesting leave without pay. Also see Sections 17 and 19, below.

Leave without pay (suspension without pay) may also be used by the County as a form of disciplinary action against employees (also see Article VI, Sections 7,8,9 and 10).

The employee shall apply in writing to the Supervisor for voluntary leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Supervisor and the County Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. However, the employee's anniversary date will be changed to reflect the amount of time out of work.

If the employee decides not to return to work, the Supervisor and the County Manager should be notified immediately. Failure to report at the expiration of a leave of absence, unless an

extension has been requested and granted, shall be considered a resignation.

Section 17. Leave without pay - retention and continuation of benefits

An employee shall retain all unused vacation and sick leave while on leave without pay, except in cases where leave without pay is requested for vacation purposes, then all accrued compensatory and vacation leave must be used first. An employee ceases to earn leave credits on the date leave without pay begins.

The employee may continue to be eligible for benefits under the County's group insurance plans subject to any regulations adopted by the County Board of Commissioners and the regulations of the respective insurance carriers. However, the employee will be responsible for paying total coverage, including the amount the County usually pays. Premiums must be paid by the 10th of the preceding coverage month. The obligation to maintain health insurance stops if an employee's health premium is more than 30 days late.

Reinstatement to the same position or one of like classification, seniority and pay should be made upon the employee's return to work, except if the leave without pay was for disciplinary reasons.

Section 18. Family medical leave

Family Medical Leave provides up to twelve weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. To be eligible an employee must have worked for the County for at least 12 months and have worked at least 1,250 hours during the twelve months prior to the start of the leave. The employee will be granted up to a total of 12 workweeks of leave in a 12 month period for one of the following:

- (1) Birth of a child, and to care for a newborn
- (2) For placement with the employee of a child for adoption or foster care, and to care for the newly placed child
- (3) To care for an immediate family member (spouse, child, or parent – but not a parent “in-law” – with a serious health condition
- (4) When an employee is unable to work because of a serious health condition
- (5) For a qualifying exigency arising from the fact that the employee's spouse, child or parent is on, or has been notified of an impending call to, active duty status in the National Guard or Reserves (or as a retired member of the regular Armed Forces or Reserves) in support of a contingency operation (“Active Duty Leave”). The attendance at certain military programs related to active duty assignment; change in childcare obligations due to active duty assignment; attendance at appointments

related to financial or legal planning as a result of active duty assignment; attendance at counseling sessions that are needed as a result of an active duty assignment; short-term temporary rest and recuperation leave of a covered service member during a time of deployment; attendance at certain other post-deployment activities; and other activities as agreed upon by the County and the employee.

Additionally, eligible employees may be granted up to a total of 26 weeks of unpaid leave during a single 12-month period to care for a spouse, child, parent (in-laws not included), or next of kin (nearest blood relative) who is a current member of the Armed Forces (including the National Guard or Reserves) and has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness renders the service member medically unfit to perform the duties of the service member's office, grade, rank or rating and for which the service member is undergoing medical treatment, recuperation, or therapy, or the service member is in an outpatient status, or is on the temporary disability retired list. This type of leave is referred to in this policy as "Service Member Family Leave". During the single 12-month period in which "Service Member Family Leave" may be taken, eligible employees are limited to a combined total of 26 weeks of unpaid leave for any reason under the FMLA; however no more than 12 of those weeks may be taken for non-Service Member Family Leave.

The leave is usually unpaid, but it can be paid if the employee has accumulated leave time and requests for the leave to be paid from that time.

While on Family Medical Leave, an employee will continue to be covered under the County's Health Insurance Plan the same as any other employee. If monthly premiums are required, the employee will be responsible for the payment of such. The obligation to maintain health insurance stops if an employee's health premium payment is more than 30 days late. The County will provide 15 days notice that coverage will cease.

If leave is being paid then the employee will accumulate leave but if the time is unpaid they will not accumulate sick or vacation leave. If the leave is unpaid, time will not count toward Retirement.

The employee is required to give advance notice as soon as possible and shall provide proof that the leave is needed. In the case of serious illness, the Form WH-380 must be completed and returned within 15 calendar days after receiving. Recertification may be requested as often as every 30 days. The County has a right to request a second opinion. The employee is required to report to the County at reasonable intervals on their status and intention to return to work.

All time out of work in the twelve weeks counts toward the leave even if it is paid from the employee's sick leave or donated time.

Upon return to work the employee must be restored to his/her original job, or an "equivalent" job, which means virtually identical to the original job in terms of pay, benefits, and other

employment terms and conditions.

Form WH-384 will be required for Qualifying Exigency and form Wh-385 for leave to care for a service member due to injury or illness.

If the employee will not return to work when the leave expires, the County shall be notified in writing. Failure to report at the expiration of the leave may be considered a resignation.

The twelve month period will be measured going forward from the date of the first Family Medical Leave usage.

Intermittent Leave (leave taken in separate blocks of time) or Reduced Schedule Leave (leave taken on a part-time basis) may be taken under the Family Medical Leave Act. Employees must make a reasonable effort to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Employees taking such leave for medical treatments (whether their own or covered family members) may be required to transfer temporarily to an alternative position with equivalent pay and benefits for the duration of the leave to avoid disruption within the department.

Employees that are married to one another are limited to a combined total of twelve weeks of leave during a twelve month period if the leave is taken for reasons 1-4 above. For Service Member Family Leave they are limited to a total of 26 weeks.

Section 19. Maternity leave

An employee desiring to take a leave of absence from work for reasons caused by or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery from should apply in writing to the Supervisor at least 30 days prior to the expected use of such leave stating the nature of her condition, the anticipated dates and duration of the requested leave and the types of leave requested. The employee may request up to six weeks from the birth of the child, if they are not eligible for the Family Medical Leave (which gives the employee twelve weeks). The Supervisor and the Department of Human Resources must approve any maternity leave before the leave is actually taken.

Disabilities resulting from pregnancy, miscarriage, abortion, childbirth and recovery shall, for sick leave purposes, be treated the same as any other temporary disability suffered by an employee. Accumulated sick leave may be used for the period of actual disability as a result of child bearing or recovery from. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability.

The employee is obligated to return to duty by the end of the time determined appropriate. If she finds she will not return to work, she shall notify her Supervisor immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved,

shall be considered a resignation.

Leave without or with pay (if the employee has the accumulated time) for up to a total of six weeks is available for the time before the employee is disabled and the period of time after the disability ends. The employee may elect to use accumulated vacation leave under policies of this Section as follows:

- after accumulated sick leave and compensatory leave have been exhausted;
- after the temporary disability has ended.

If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Section 20. Military leave

Employees entering active military duty shall have their job status protected in full compliance with federal and state requirements. Temporary or Part-time employees are not covered under USERRA, only full time permanent employees who serve in the United States Army, Navy, Air Force, Marine Corp, Coast Guard, National Guard, Armed Forces Reserve, or any other category of persons designated by the President in time of war or national emergency. Permanent employees who are members of the National Guard or Armed Forces Reserve will be allowed up to 75 working hours per fiscal year military training leave with pay. If military duty is required beyond this period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status.

While taking military leave, the employee's leave credits and other benefits do not accrue unless they are using vacation, sick or other leave time and receiving pay. Time spent in service will continue to count as time employed with the County.

If the military time is for thirty days or fewer the employee can continue on the Health Insurance by paying the same amount of premium to the County as any other employee. If the service time is for more than thirty days then they have can stay on the Health Insurance for up to eighteen months but must pay the total cost of insurance, which covers their part and the County's part of the monthly premium. The employee's premium must be paid by the 10th day of the preceding month.

The employee will return to the same position they would have held had they actually been working during the period of leave. Employees are expected to return to work as soon as possible after their release from active service. If the service time was for 30 days or less they should report back to work on the next workday following completion of service and the employee's arrival home. Failure to report at the expiration of the leave may be considered a resignation.

Section 21. Civil leave

Civil leave may be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding. The employee shall receive leave with pay for such duty without charge to accumulated vacation.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the finance director any witness fees or travel allowances awarded by the court for court appearances in connection with official duties.

When an employee's obligation for jury or witness duty ends two hours or more from the end of that employee's normal workday, the employee is expected to return to work for the remainder of the workday.

While on civil leave, benefits and leave shall accrue as though on regular duty.

Exception: An employee who is a principal in private litigation shall not be entitled to civil leave, but may take compensatory leave, vacation leave or leave without pay for necessary court appearances with the approval of the Supervisor.

Section 22. Administrative leave

Leave with pay may be authorized by the County Manager for purposes considered to be in the public interest, in cases of civil disturbances, or in such other circumstances as good judgment and common practice would dictate (e.g., adverse weather conditions).

Section 23. Adverse weather conditions

County offices shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the County Manager. All employees will be given, when possible, advance notice of any authorized early closing. Employees who, of their own decision, leave work before an official early closing time has been announced, will be required to use earned compensatory or vacation leave for all time taken.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as soon as possible after the normal workday begins. The employee must charge time away from work during adverse weather to compensatory or vacation leave. The County Manager has the authority to alter the regular business day and grant administrative leave as he/she deems necessary in the event of severe weather conditions.

Any employee who has already scheduled time off or who is out sick, using comp time, or out for whatever reason may not be allowed to use administrative leave.

All law enforcement and emergency personnel are excluded from this section as their job responsibilities include working in adverse weather conditions. Their work hours will continue to be set by their Department Head.

Section 24. Leave for school activity

The County shall grant four hours leave per school year to any employee who is a parent, guardian, or person standing in for parent of a school-aged child so the employee may attend or be otherwise involved at the child's school. However, any leave under this section is subject to the following conditions:

- (1) The leave shall be a mutually agreed upon time between the Department Head and the employee
- (2) The Department Head may require the employee to provide a written request, with verification from the school, at least 48 hours before desired leave

The employee may use vacation leave or choose to have this leave unpaid. This leave will be noted on the employee's time sheet as school leave and it should be indicated if the leave is to be paid or not.

Section 25. Transfer of Leave

An employee may transfer sick or vacation leave to another full time permanent employee in the event of a serious medical condition of the employee which would otherwise force them to go on leave without pay. To be eligible for donated leave an employee must have exhausted all accumulated leave (comp, petty, sick and vacation leave). The maximum amount an employee can donate to another employee is 80 hours per event. Donated leave will not be banked and must be used within ninety days of the donated date. It will not be deducted from the donor's time until it is actually used. The approval form for donation must be signed by the employee donating leave, the Department Head of the employee receiving leave and the Human Resource Department. Copies of the form will be attached to the time sheet of both the employee donating time and the one receiving it.

Section 26. Bereavement Leave

Any full time employee will be granted (3) days of leave due to the death of an immediate family member. Immediate family shall be defined as wife, husband, mother, father, daughter, son, sister, brother, grandmother, grandfather, granddaughter, and grandson. Also included is the step, half and in-law relationships as appropriate based on the above listing. Additional leave may be taken from the employee's sick leave on a case-by-case basis.

Funeral leave, up to a maximum of one hour, will be granted to attend the funeral of a fellow co-worker. In departments that are open to the public the Department Head must arrange the schedule as to maintain an open office.

Section 27. Petty Leave

Ten hours of leave will be given to all full time employees, to be used as the employee desires and will not count on vacation or sick leave.

Eight hours a year will be for a Special Day off. This can be for Birthday, Anniversary, Child's Birthday, etc. This is over and above the ten hours of petty leave.

Time runs from January through December and does not carry over to the next year. If hired after the 1st of July the time will be half of the amount for the full year – Petty five hours, Special Day four hours. Time will be tracked on the time sheet as Petty Leave and is subject, as is all leave, to Department Head approval.



SWAIN COUNTY

REQUEST FOR LEAVE

NAME OF EMPLOYEE: _____

I hereby request approval of the following hours of leave:

	DATE	HOURS
Annual	_____	_____
Sick	_____	_____
Other	_____	_____

APPLICANT'S SIGNATURE

APPROVED _____
AUTHORIZED SIGNATURE

DATE: _____ DATE: _____



SWAIN COUNTY

DONOR REQUEST TO VOLUNTARILY TRANSFER LEAVE

I, the undersigned, request to donate a portion of my accumulated leave to a fellow employee who experienced a serious and prolonged medical condition that would otherwise force them to go on leave without pay. (submit with your weekly time sheet)

DONOR

RECIPIENT

Leave Hours Donated _____ Vacation Leave

_____ Sick Leave

Donor

Approved:

Department Head of recipient

I, certify the above donor has sufficient leave in his/her leave account to cover the described donation.

Human Resource Director

ARTICLE XI
POSITION CLASSIFICATION

Section 1. Policy statement

It is the policy of the County to maintain a Position Classification Plan.

Each permanent position with the County shall be classified into a standard class within the County's official Position Classification Plan. Positions will be grouped into classes in such a way that the positions included in each class are sufficiently similar in duties and responsibilities to warrant similar treatment in personnel and pay administration.

Section 2. Adoption of position classification plan

The Position Classification Plan is initially adopted by the County Board of Commissioners. The County Manager is authorized to make subsequent changes in the Position Classification Plan.

Section 3. Allocation of classes to salary grades

After initial adoption of the Position Classification Plan by the County's Board of Commissioners, the County Manager shall be responsible for subsequent allocation of positions to the appropriate classes in the plan.

There are procedures for submitting and processing requests for position reviews, when it is evident that significant changes have occurred, or are necessary, in position duties and responsibilities. Department Heads must evaluate options that minimize substantial change to the nature or level of assigned responsibility of existing positions. This includes distributing work in a matter that is within the scope of responsibility currently assigned to staff, whenever possible. It is generally expected that Department Heads shall determine their staffing needs along with other resource needs during the budget process. This uses the effective planning and utilization of staff and funding, and helps the County Management and the Board of County Commissioners to understand the impact of these actions to the overall organizational budget. The policy shall be that approved reclassifications will be implemented effective at the beginning of the first full pay period of the upcoming fiscal year.

It is understood that it may be necessary to revise or assign additional duties to positions during the course of the fiscal year. This should be used as an opportunity for Department Heads and/or Supervisors to evaluate the practicality of the proposed assignment for the affected position and organization. Position review requests must be submitted as soon as the possible classification issue is determined, but not later than two (2) weeks prior to the due date for your annual budget request. Again, approved changes will not be implemented until the beginning of the upcoming fiscal year.

When a Department Head determines that significant changes to position duties and responsibilities are required, or if the establishment of the new position is necessary, the following procedures shall be followed for reviews:

- A. Department Heads shall be responsible for submitting to the Human Resource (HR) Director, a position review request, a completed questionnaire, the current job description with proposed changes noted, a current organizational chart, and a proposed organizational chart (if applicable). Prior to submitting their requests, Department Heads shall also identify where the funds will come from to support the annualized cost of proposed reclassifications.
- B. Once an initial review of the submitted information has been completed, the HR Director will contact the Department Head, and or appropriate designee, to schedule an interview, as necessary.
- C. Upon completion of the position review, the HR Director will submit a recommendation to the County Manger for consideration. When the County Manger finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he shall:
 - (1.) Direct that the existing grade specification be revised,
 - (2.) Reallocate the position to the appropriate grade within the existing classification plan, or
 - (3.) Recommend that the Board of County Commissioners amend the grade classification plan to establish a new grade to which the position may be allocated.

Forms for the Position Reviews Requests are at the end of this chapter.

Section 4. Use of class titles

Official class titles are to be used in all personnel, payroll, accounting, budget, and financial records and transactions. Working or organizational titles may be used in all matters other than those involving official records as long as they do not interfere with class titles.

Section 5. Administration of the Position Classification Plan

The County Manager with assistance from the Human Resource Department 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. New positions shall be established only on the authority of the County Manager who shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) amend the position classification plan to establish a new class to which the new position may be allocated.

Department Heads shall be responsible for bringing to the attention of the Human Resource Department (1) the need for new positions; and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing positions. Supervisors shall present written justification for why there should be a change in position classification. In the case of a new position or a vacant position where duties have changed or will change, the justification should include the proposed changes in duties and responsibilities.

In the case of an occupied position, the request shall reflect changes in assigned duties and responsibilities. The supervisor's written justification should be detailed and specific enough for the County Manager to make a determination regarding the position in question.

If the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he/she may: (1) determine that the existing class specification will be revised; (2) reallocate the position to the appropriate class within the existing classification plan; (3) amend the position classification plan to establish a new class to which the position may be allocated. The County Manager, with input from the Human Resources Department shall be responsible for determining the grade level to which all new classes are assigned.



POSITION REVIEW REQUEST (Example)

Date: _____

Department: _____

Employee Name: _____

Current Position Title: _____ **Grade:** _____

Department Head/ Supervisor _____

Basis for Request (Please check):

New Position **Proposed Position** **Review of Current Position**

Explanation:

**** Please ensure the following items are attached to this request:**

- (1) Current job description with proposed changes noted
- (2) Completed Position Questionnaire
- (3) Current Organizational Chart

(4) Proposed Organizational Chart (if applicable)
POSITION QUESTIONNAIRE

Position Title: _____

Completed by: _____

(Please attach extra pages if necessary)

(1) Describe a typical day at work.

(2) Describe the nature of supervision given (how many areas are supervised?)

(3) Describe involvement of your supervisor, subordinates, or other staff members in carrying out assigned tasks. Describe the level of individual authority exercised in the performance of duties. Which tasks must be coordinated through the supervisor?

(4) Describe the nature of contact with departmental staff, other County staff and with the public. How is contact initiated? Describe setting and purpose of the contact – is it to relay information or is there an exchange of information? Does exchange involve differing viewpoints, significant or controversial issues?

(5) Describe situations in which work process may require analysis and judgment to create new approaches or revise standard work practices in completing objectives. How often is this necessary? Are the decisions to do so made by this position?

(6) Describe the different kinds of situations and problems that are encountered by this position. Indicate how the techniques, methods, knowledge and skills required to handle the different kinds of work are used.

(7) Describe your most difficult task, and why it is.

(8) What is the worst-case scenario of an error in judgment or decision-making resulting in a negative consequence? How does it impact the County? Please quantify answer as much as possible – indicate financial loss, etc. Also indicate how detected and by whom (level of authority).

(9) List a summary of assigned tasks in priority order and indicate the percentage of time spent weekly performing each task. If some of the tasks are seasonal, please indicate approximate timeframe for those tasks, along with the percentage of time spent performing those tasks weekly within the indicated timeframe.

**ARTICLE XII
THE PAY PLAN**

Section 1. Policy

Pay of County employees shall be administered in a fair and systematic manner in accordance with work performed. The County shall have a pay structure that is externally competitive, that maintains proper internal relationships among all positions based on the relative level of duties and responsibility, and that recognizes performance levels as the basis for pay increases within the established pay ranges. The program shall provide for effective control of pay on a uniform basis, shall permit decentralization of pay decisions while maintaining appropriate control, and shall assure each employee periodic performance appraisals and pay reviews.

The schedule of salary ranges and class titles assigned to salary ranges (the Pay Plan) shall be initially authorized by the County Manager.

Policy decisions made by the Governing Board relative to annual cost-of-living increases which have the effect of superceding or overriding the pay plan and pay scale shall not be considered to be inconsistent with this Article.

Section 2. Maintenance of the pay plan

The Human Resource Department shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in other similar, rural regional organizations across North Carolina, changes in the cost of living, the financial conditions of the County, and other factors. The County may, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the County's Budget Committee and/or Board of Commissioners such changes in salary ranges as appear to be warranted.

Section 3. Use of salary ranges

Salary ranges are intended to permit the recognition of individual performance. The following general provisions shall govern the granting of within range and merit pay increments:

- (1) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum step may be made on the approval of the County Manager. Above minimum appointments will be based on such factors as the qualifications of the applicant being higher than the minimum education and training for the class. Except in cases of employees in trainee status, no employee shall be hired at a

rate below the assigned grade for the position.

- (2) Pay steps above the minimum rate are reserved to reward employees for meritorious service. Merit salary increases shall not be awarded automatically. Employee performance should be very carefully evaluated and consideration for merit increases occurring only as a function of the budgeting process.
- (3) A new employee will be subject to Section 3 (1). After six months of employment, employees started on Step 1 for their grade will be put on Step 2 of the Swain County Pay Plan depending on performance. This increase does not affect the probationary period. Detention Officers will start at Step 1 and move to Step 2 after three months of employment.
- (4) If step increases are given based on years of service, the increase will be based on actual years in the employee's current position.

When an employee reaches the last step in his/her pay grade, he/she will no longer be eligible for merit increases. Any cost-of-living increases subsequently approved will still be granted to these employees.

Section 4. The pay scale

The pay scale shall be a fixed-step, integrated scale with sufficient pay grades to adequately compensate the employees covered by the Position Classification Plan. All employees must be paid at least the state's hourly minimum wage. All step increases shall be granted solely on the basis of merit.

Any cost-of-living increases granted by the County Board of Commissioners shall be applied to all the pay rates in the pay scale. One-time pay increases may not affect the pay scale.

Policy decisions made by the Governing Board relative to annual cost-of-living increases which have the effect of superceding or overriding the pay plan and pay scale shall not be considered to be inconsistent with this Article.

Section 5. Salary on reinstatement

When an employee is reinstated in a position of the same class after separation from the County of not more than two years, and when the separation was not due to discreditable circumstances, the employee may receive the same rate of pay as at the time of separation.

Section 6. Salary after transfer

Whenever an employee requests a permanent transfer to another position not previously held and the change is not a promotion or demotion, the employee normally shall receive the entrance rate

in the pay range established for that position unless previous experience warrants a higher starting rate.

Section 7. Salary after promotion

An employee who is promoted shall normally receive at least the minimum rate of the higher grade, or a three percent increase, whichever is highest. If the employee's previous experience warrants, the salary may be adjusted higher in the range with the approval of the County Manager. In some cases a promotion represents a significant change in the nature of work and an immediate salary increase may not be appropriate or equitable. In these cases the County Manager must approve the failure to award a salary increase upon promotion.

When employees have a grade change which will be effective with the start of a new budget year they will receive the larger of the following two increases:

- The minimum of the new grade or a three percent increase, whichever is higher
- Or the Cost of Living Increase (which will be the amount determined by the County Commissioners).

Employees that are in a Trainee Status must be budgeted into the current budget. When the required time has been reached they will receive a three percent increase or the minimum of the new grade, whichever is higher. If an employee changes grades more than once in a fiscal year they will only receive up to Step 2 of the new grade on grade increases made after the first change.

Section 8. Salary upon demotion

If the demotion is not for disciplinary cause, the employee may receive the present salary if the grade is the same. If the demotion is for disciplinary cause, the salary may be adjusted to any step in the same range or left the same. If the grade for the new position is lower, then the employee's salary will be lowered to not less than Step 2 in the new grade.

Section 9. Payment for temporary assignment

When the necessity arises for an employee to temporarily assume the responsibility of another position in a class which is assigned to a higher grade or temporarily perform duties recognized at a higher level for a period of more than 30 calendar days, the employee shall be compensated for the entire period of the temporary assignment at a rate determined by the Commissioners.

Section 10. Salary after range revisions

When a change in a salary range for a class is approved, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- (1) When a class is assigned to a higher pay range, employees in that class shall receive a

3% pay increase or an increase to the minimum step of the new range, whichever is higher.

- (2) When a class is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the employee will no longer be eligible for merit increases but will however, be eligible for cost-of-living adjustments.

Section 11. Trainee status

Subject to the approval of the Director or County Manager, persons may be employed as trainees in positions for which the County prefers to train employees or is unable to recruit experienced and qualified applicants. Such employees may be compensated at Step 1 for the grade they will be in after they are trained. In such cases employees in training status shall be promoted to step 2 within one year.

Section 12. Pay for part-time work

The pay plan established by this policy is for full-time service only. An employee appointed for less than full-time service may be paid at a different rate.

Section 13. Preparation of payroll

All payrolls shall be prepared in the payroll department from time sheets approved by the appropriate Department Heads and the County Manager. Paychecks shall be distributed bi-weekly, on Fridays except when the normal payday falls on a holiday. Checks shall be distributed by the Human Resource Director, County Manager, Finance Officer or other appropriate administrative personnel approved by the County Manager. No employee shall receive a paycheck without first submitting his/her timesheet for the respective pay period.

Salary changes will go on the payroll closest to the change. If the change is in the first week of the payroll it will start with that payroll and if the change is in the second week of the payroll then it will be in the following payroll.

Section 14. Payroll deductions

The County Payroll Clerk is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, 401(k) and 457(g) deferred compensation contributions and/or loan repayments, and for employee group insurance premiums. With the authorization of the employee, the Payroll Clerk may also make payroll deductions for credit union payments. Individual deductions for other than the above shall be made only with the approval of the employee.

Section 15. Termination pay

Upon termination of employment, an employee is entitled to payment for unused annual leave (if a two-week notice was given), less any deductions for debts outstanding against the County. No sick leave shall be paid upon termination of employment. The Payroll Clerk shall deduct and withhold from the final paycheck any amount owed the County for group insurance premiums, advanced leave, or any other payment due the County as long as it does not take that employee below minimum wage for the hours the employee worked.

Section 16. Longevity pay

Longevity pay is to recognize the service of permanent, full-time employees. Longevity pay is an automatic, annual payment, made in a lump sum, to employees who meet the eligibility requirements on the anniversary of employment.

Annual longevity amounts are based on the length of County service and a percentage of the employee's annual rate of base pay on the employee's anniversary date. Longevity pay amounts may be computed by multiplying the employee's base pay rate by the appropriate percentage from the table below. Salary increases effective on the anniversary date shall be incorporated in the base pay before computing longevity pay.

<u>Years of Continuous County Service</u>	<u>Longevity Pay Rate</u>
10 years but less than 15	1.50%
15 years but less than 20	2.25%
20 years but less than 25	3.25%
25 years or more	4.50%

To be eligible to receive longevity pay the employee must meet the following requirements:

- (1) An employee shall have at least 10 years of qualifying service with Swain County.
- (2) The employee must have a full-time, permanent appointment.
- (3) Credit for the service requirement shall not be given for permanent part-time, temporary full-time, or temporary part-time employment. Periods of leave without pay in excess of one-half the workdays in a month, with the exception of military leave and worker's compensation leave, will not count toward service credit.
- (4) Upon change of appointment to less than full-time permanent status, the employee becomes ineligible for longevity pay. If an employee goes on leave without pay, longevity would not be paid until the employee returns to work. If an employee should resign while on leave without pay, longevity will not be paid.

- (5) Continuous service is the time for full-time and probationary employment. If an employee is in pay status by virtue of working, using annual or sick leave, drawing worker's compensation, or on authorized military leave for one-half or more of the regularly scheduled workdays in a month, credit shall be given towards qualifying service.

The Human Resource Department shall be responsible for determining and certifying the length of qualifying service of each employee and for submitting the proper amounts to be paid through payroll.

Longevity pay is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base salary.

ARTICLE XIII
TRAVEL, TRANSPORTATION, AND ENTERTAINMENT EXPENSES

Section 1. Policy

It is the policy of the County to reimburse its employees, elected officials and members of the Board of Commissioners for travel, transportation and entertainment expenses directly related to official business of the County.

Section 2. Prior approval for travel

Overnight travel must be approved in advance by the employee's immediate supervisor or the County Manager. Overnight, out-of-state travel for employees must have the prior approval of the Director or County Manager.

Section 3. Eligible transportation expenses

Transportation expenses that are ordinary and necessary while conducting official business for the County are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be less than first class unless such rates are not available and no other travel options are available. Reimbursement for use of an employee's personal auto is allowable at the rate adopted by the board. Occasionally, either for personal preference or for the benefit of the County, an employee may take his/her personal auto when transportation by other means would be more economical. In those cases reimbursement will be limited to the reduced mileage rate or an equivalent airfare, whichever is less.

Other transportation expenses that are allowable are:

- Taxi fares or other costs of transportation between the airport or station and employee's hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- Baggage charges.
- Tips that are incidental to any of the above transportation expenses.

Section 4. Eligible travel expenses

Expenses for food, lodging, and other expenses incurred while traveling away from home overnight and related to official duties, are eligible for reimbursement if supported by receipts. An employee is considered to be traveling away from home if his/her duties require him to be away from the general area of home longer than an ordinary day's work and during that time the employee needs to sleep or rest to meet the demands of his/her work. Travel items eligible for

reimbursement are as follows:

- Cost of meals at the rate adopted by the board
- Actual cost of lodging if supported by receipts.
- Cleaning and laundry expenses supported by receipts if the stay away from home is extended.
- Telephone and telegraph expenses supported by receipts that are related to official business.
- Tips associated with the costs listed above.

Employees will be reimbursed when they are required to travel outside Swain County for the following reasons:

- To attend out of town business meetings, trainings, seminars, workshops, etc.
- EMS and Sheriff's Department Personnel in the line of duty

Reimbursement for meals will be made to employees as follows:

- Travel and activity duration of more than 6 hours but less than 10 – one meal
- Travel and activity duration of 10 or more hours – two meals
- Overnight at the per diem rate

The rates are based on a rate adopted by the Board of Commissioners. Expenses incurred for personal entertainment are not allowable.

Section 5. Eligible Entertainment Expenses

Entertainment expenses are the ordinary and necessary expenses of carrying on the official business of the County. Entertainment may include furnishing food, lodging, rental car, or reimbursement of mileage to business associates of the County. Generally the cost of meals incurred by an employee while entertaining for business purposes are reimbursable as long as reasonable and supported by receipts.

Section 6. Reporting expenses for reimbursement

All employees, board members, and advisory committee members authorized to travel should keep all receipts and memoranda of actual expenditures from which they can prepare a travel reimbursement voucher. Receipts for meals, transportation other than auto, lodging, tolls, parking fees, registration fees, etc. must accompany the travel voucher. No expense for which a

receipt could reasonably be expected will be reimbursed in the absence of such receipt. Reimbursement will not be given for any beverage with alcohol. Claims for mileage reimbursement should indicate the point of departure and destination and shall be computed in a manner that is most reasonable and favorable to the County. The business purpose of each trip for which reimbursement is claimed must be clearly stated.

Travel vouchers are to be submitted for semi-monthly or monthly reimbursement or at least one week in advance of normal reimbursement days. If a travel advance is necessary to conduct official County business, the request for such advance must be submitted to the finance department by no later than three days in advance of the day travel is anticipated. Travel advances will be paid on the last workday the employee is in the office before leaving on authorized travel.

Travel which can reasonably be considered as being to and from work is not eligible for reimbursement.

When using a credit card, all receipts must be turned in with the credit card to the Finance Officer as soon as possible. If the employee does not turn in a receipt for the charge, it will be deducted from their payroll check.

Travel reimbursement for mileage will follow the same rate as the state.

Section 7. Travel Time

Whether travel time is considered as hours worked depends on the following circumstances:

(2) Home-to-Work

Home-to-work travel is a normal incident of employment. This is true whether the employee works at fixed location or at different job sites. Normal travel from home to work is not work time regardless of when during the workweek this travel occurs. Expenses for any travel which can be considered home to work will not be reimbursed.

(3) Home-to-Work Travel Time for Work Assignments at Alternate Locations

When an employee who regularly works at a fixed location is given an assignment elsewhere, such travel cannot be considered as home-to-work travel. For example, an employee who works in Bryson City with regular work hours from 8:00 a.m. to 5:00 p.m., may have an assignment in another town, and must leave home at 7:00 a.m.. He/she arrives in the other town at 12 noon, ready for work. The assignment is completed at 3:00 p.m., and the employee arrives back at home at 8:00 p.m. Such travel cannot be regarded as home-to-work travel occasioned merely by the fact of employment. This travel was performed for the County's benefit and at the County's request to meet the needs of the particular assignment. It would, therefore, qualify as an integral part of the "principal" activity which the employee was hired to perform on that particular

workday. All the time involved, however should not be counted as work time. Since, except for the particular assignment, the employee would have had to report to his/her regular work site, the usual time required to travel from home to work should be deducted, such time being in the "home-to-work" category. Also, the usual mealtime should be deducted.

(4) Travel That is All in the Day's Work

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, must be counted as hours worked. When an employee is required to report at the County's premises, or at a meeting place to receive instructions or to perform other work there, the travel time from this designated place to the work place is part of the day's work and must be counted as hours worked. For example, if an employee normally finishes his/her work at a particular job at 5:00 p.m., and is required to go to another job which he/she finishes at 8:00 p.m., and is required to return to the County's premises arriving at 9:00 p.m., all of the time is work time. However, any mealtime or travel time that can be considered home-to-work must be deducted.

(5) Travel Away From Home

Travel that keeps an employee away from home overnight is travel away from home. Travel time away from home is work time. This time is not only hours worked on regular working days, but also on non-working days. For example, if any employee regularly works from Monday through Friday, travel time is work time on Saturday and Sunday as well. Regular meal period time and sleep time is not work time. That time spent in travel on County business away from home as a passenger on an airplane, train, bus or automobile is also considered work time. Time spent operating the employee's private automobile on County business counts as hours worked.



Swain County Driving Policy

I. PURPOSE

To encourage the safe use of vehicles and equipment. To monitor operators to ensure they are in compliance with State and Local Laws as well as with this policy.

II. POLICY

1. Authorized drivers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as, but not limited to, determining clear directions before departing, not manipulating radios, personal data assistants, texting on cell phones, or other equipment while the vehicle is moving, not reaching for objects if you have to take your eyes off the road, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow defensive driving principles and laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

2. Drivers and passengers are required to use seat belts. The driver shall ensure that any child passenger is legally restrained.

3. Headlights will be on at all times while operating a county vehicle which is not equipped with daytime running lights.

4. All drivers must be at least 18 years of age and possess a valid North Carolina Driver's license.

5. Drivers must have an acceptable driving record. Examples of offences that render a driving record unacceptable include but are not limited to:

- A major traffic offense in the last 24 months. This can include reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempt to elude a police officer;
- A felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months;
- Three or more moving traffic violations in the last 12 months;
- A careless driving conviction in the last 12 months;
- Class A moving traffic infraction in the last 12 months.

6. A supervisor shall not permit an employee to drive either county owned, rental or privately owned vehicle on state business prior to a review and approval of the DMV record by the office of Human Resources.

7. Employees will notify their supervisor in writing of any tickets or violations that they receive. Failure to inform their supervisor and the Human Resource Department may result in disciplinary action or dismissal.

8. There will be a review of driving records for employees who drive on state business:

- Upon Hire
- Following a collision
- Upon notification of a citation
- Upon receipt of a second citizen complaint relating to the operation of the a motor vehicle
- An annual review of all employees who drive on a regular basis

9. In addition to having a valid driver's license, employees must comply with the County's Drug and Alcohol Free Environment. Employees who have a CDL, drive an emergency vehicle, or drive clients in the operation of their duties are subject to random Alcohol and Drug Tests.

10. Fines resulting from violations of motor vehicle regulations will be paid by employees.

11. Any accident involving a County vehicle, regardless of the extent of the damage, is to be investigated by a police officer with jurisdiction in the area.

12. It is unlawful for any person to use a county vehicle for any private purpose per General Statute 14-247. If a vehicle is assigned to be driven from work to home and back, it is to be used only for that purpose when not operating in the scope and course of their official duties. No county vehicle can be driven outside county lines as part of a commute. If county employees assigned a vehicle, regular or law-enforcement, drive outside the county lines as part of their commute the mileage outside county lines will be treated as income for that employee. The miles will be at the current county mileage rate and added to their W-2 at the end of the year. Any vehicle that is assigned can be equipped with an internal GPS system at any time.

13. No other person except the employee should be in the vehicle, unless they are on county business. The county auto insurance will not cover riders that are not conducting county business.

III. RECORDKEEPING

The Human Resource Department will maintain a list of all approved employee drivers with copies of driver's license.

Section 9. Internet, Email and Social Networking Policy

Use of the internet will only be allowed as it pertains to county business. There should be no personal use of the internet or any social network. The same standards of decorum, respect and professionalism that guide us in our face-to-face interactions apply to the use of email. All email through the county is open to public scrutiny and is considered to be a public record.

SWAIN COUNTY TRAVEL/TRAINING AUTHORIZATION

All travel/training authorization forms must be signed by your Department Supervisor and the County Manager. Forms should then be submitted to the County Finance Office before any travel/training will be authorized. All travel/training for \$100.00 or more, will require a purchase order.

Today's Date: _____

Requester Name: _____

Department: _____

Destination(s): _____

Purpose: _____

Anticipated Departure: Time _____ Date _____

Anticipated Return: Time _____ Date _____

Hotel Reservation: Y NO County Vehicle: Y NO

****Receipts are required for all expenses for which Swain County will be paying or reimbursing. (receipts need to include taxes charged)**

Travel/Training Approved: Y NO

Requester Signature

Supervisor Signature

County Manager Signature

Swain County Credit Card Travel Voucher

DATE: _____ INVOICE# _____

Employee(s) Name:	Meal (Breakfast, Lunch, Dinner)	AMOUNT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REASON FOR TRAVEL: _____

APPROVED BY SUPERVISOR: _____

TOTAL DUE _____

Departure Date & Time _____ Return Date & Time _____

Meal Allowances: Breakfast 7.50 Lunch 9.75 Dinner 16.75 More than 6 hours but less than 10 hours= 1 meal, 10+hours=2 meals, overnight = 34.00 (full days). On actual days of travel, depends on departure and return time.

Any overage on these charges will be the employee's responsibility.

I hereby certify that the above expenses are true and necessary for my employment with Swain County.

Signature of Traveler: _____ Signature of Department Head: _____

PLEASE ATTACH CREDIT CARD SLIPS, ASK SERVER FOR AN ITEMIZED TICKET.

Meal Reimbursement Travel Voucher

DATE: _____ INVOICE# _____

Employee(s) Name:	Meal (Breakfast, Lunch, Dinner)	AMOUNT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REASON FOR TRAVEL: _____

APPROVED BY SUPERVISOR: _____

ATTACHED TICKET(S) TOTAL _____

Departure Date & Time _____ Return Date & Time _____

Meal Allowances: Breakfast 7.50 Lunch 9.75 Dinner 16.75 More than 6 hours but less than 10 hours= 1 meal, 10+hours=2 meals, overnight = 34.00 (full days). On actual days of travel, depends on departure and return time.

I hereby certify that the above expenses are true and necessary for my employment with Swain County.

Signature of Traveler: _____ Signature of Department Head: _____

PLEASE ATTACH RECEIPTS, ASK SERVER FOR AN ITEMIZED MEAL TICKET.

**ARTICLE XIV
PERSONNEL RECORDS**

Section 1. Personnel records maintenance

The Human Resource Director shall be responsible for maintaining such personnel records as are necessary for the proper administration of the personnel system. The following information shall be kept on file for each County employee:

- (1) name;
- (2) age;
- (3) dates of employment;
- (4) position title (s);
- (5) salary;
- (6) any change in salary;
- (7) dates and types of promotions, demotions, transfers, suspensions (paid or unpaid), separations, or other changes in position classification;
- (8) departments to which the employee is assigned;
- (9) terms of any contract;

Additional information regarding pay, as described in Article V, Section 12 on Hours of Work and Overtime, shall also be maintained.

Section 2. Access to personnel records

Personnel records are open for inspection in accordance with prevalent laws and regulations. as required by North Carolina General Statute 160A-168, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying, during the regular business hours, subject to such additional rules for the safe-keeping of public records as the State and the County may adopt. Access to such information shall be governed by the following provisions:

- (1) The County Manager, or his/her designee shall, prior to any disclosure make a determination and assessment of current laws, rules and regulations governing the requested disclosure in the interest of making certain that proper procedure is followed for the particular situation.

- (2) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee, information disclosed, date information was requested, name and address of the person to whom the disclosure is made, and purpose for which information is requested. This information must be retained for at least two years.
- (3) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- (4) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.
- (5) Any person denied access to any record shall have a right to compel compliance with these provisions and applicable statutes by application to a court for writ of mandamus or other appropriate relief.

Section 3. Confidential Information

All information contained in a County employee's personnel file, other than the information listed in Section 1 of this article will be maintained as confidential in accordance with the requirement of G.S. 160A-168 and shall be open to public inspection only in the following instances:

- (1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file, except, (a) letters of reference solicited prior to employment, and (b) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- (2) A licensed physician, designated in writing by the employee, may examine the employee's medical record.
- (3) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (5) An official of 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 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 unless subpoenaed by a court of competent jurisdiction.

(6) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

(7) A record shall be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor).

Section 4. Records of Former Employees

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

Section 5. Remedies for 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 considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

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

G.S. 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be punished in accordance with the statutes.

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

G.S. 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be punished at the discretion of the court in accordance with the statutes.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with 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 punished as provided in G.S. 132-3.

**ARTICLE XV
IMPLEMENTATION OF POLICY**

Section 1. Conflicting Policies Repealed

All policies, or resolutions of the County 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, will not be affected.

Section 3. Violations of Policy Provision

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

Section 4. Effective Date

This policy became effective as of November 17, 2014 and shall remain in effect until repealed.

Section 5. Amendments

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

DRUG-FREE WORKPLACE POLICY

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well being of all employees, the public at large, and result in damage to County property. Therefore, it is the policy of this County that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the County's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. This County does not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on County premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.
3. Each employee is required by law to inform the County within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the County's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
4. The County Manager must notify the U.S. Government agency with which the contract was made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
5. If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the County may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

MAINTAINING A DRUG-FREE WORKPLACE

I. Objectives:

- A. To provide Swain County employees with a safe, drug-free workplace and to promote high standards of employee health.
- B. To carry out the County's basic responsibility to serve the public safely and without undue interruption.
- C. To establish a drug-free awareness program for County employees.
- D. To comply with the Federal Drug-Free Workplace Act of 1988.

II. Policy Content:

This policy describes the County's commitment to maintain a safe and healthy workplace free from the influence of alcohol and drugs and to comply with the requirements of the Federal Drug-Free Workplace Act of 1988. The policy also sets forth the obligations and responsibilities of County employees in maintaining a drug-free workplace.

III. Provisions:

- A. Federal Drug-Free Workplace Act of 1988 Provisions¹:
 - 1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while in a County facility or vehicle, or while performing County business.
 - 2. Any employee convicted under any criminal drug statute for a violation occurring in the workplace must notify County officials no later than five (5) days after such conviction.
 - 3. In the event that any employee is convicted under a criminal drug statute for a violation occurring in the workplace, the County shall take the following action:
 - (a) Discipline, up to and including discharge, and/or

¹Compliance with the Federal Drug-Free Workplace Act of 1988 is not required unless the County has a contract to provide \$25,000 or more of property or services to a federal agency or receives grant funds from a federal agency. However, most Counties have nonetheless adopted this policy.

- (b) Require satisfactory Participation in a drug abuse assistance or rehabilitation program.

The County shall take either action within thirty (30) days of receiving notification of such a conviction. The County has notice of a conviction when an employee notifies the County of such a conviction, or when the County learns of the conviction from some other source.

4. The County will notify, in writing, any federal agency which has contracted for the procurement of property or services of a value of \$25,000 or more from the County or made a grant to the County, within ten (10) days after receiving notice under Section III.A.2. of this policy from an employee or otherwise receiving actual notice of such a conviction. The County need report only conviction of employees who are directly engaged in the performance of a grant or contract.

5. To further educate its employees, the County's on-going drug-free awareness program will inform employees about:

- (a) The dangers of drug abuse in the workplace;
- (b) The County's policy of maintaining a drug-free workplace;
- (c) The availability of drug counseling, rehabilitation, and employee assistance programs;
- (d) The penalties that may be imposed on employees for drug abuse violations.

6. Compliance with this drug-free workplace policy is a condition of employment. Employees shall be given a copy of this policy and shall be asked to sign a statement acknowledging receipt of it and evidencing their willingness to comply with it.

B. Additional Provisions:

1. The unlawful manufacture, dispensation, possession, or use of any controlled substance by County

employees, while on-duty or off-duty, is prohibited.

2. The unlawful manufacture, dispensation, possession, or use of illegal drug paraphernalia, while on-duty or off-duty, is prohibited.

3. The unauthorized use, possession, or sale of alcohol while on County premises, while on County business, while operating or riding as a passenger in any County-supplied vehicle, or at any time while an employee is on-duty is prohibited.

4. Any use of alcohol while off-duty or off County premises that adversely affects an employee's work performance, his//her own or others' safety at work, or the County's reputation in the community is prohibited.

5. Being under the influence of alcohol or an illegal controlled substance while on the County premises or while on County business, while operating or riding as a passenger in County-supplied vehicles or while on-duty is prohibited. Being under the influence of alcohol is defined as any detection of alcohol . With respect to marijuana, cocaine, amphetamines, phencyclidine and opiates, being under the influence shall mean testing positive under the procedures and at the levels set by DOT regulations (49 C.F.R. part 40).

Being under the influence of any other controlled substance listed under 21 C.F.R Sections 1308.11 through 1308.15, Schedules of Controlled Substances, shall mean testing positive at a level to be set by the County. Testing levels utilized by the County shall be applied in a uniform and non-discriminatory manner.

6. Storing any illegal controlled substances or any illegal drug paraphernalia or unauthorized alcohol in a locker, desk, vehicle, or other repository on County premises is prohibited.

7. Employees shall submit to inspections, as specified by this policy, when requested by management.

8. Employees must satisfactorily participate in any drug or alcohol treatment or counseling program required by the County pursuant to the provisions of this policy.

9. The County shall take the following actions for any violation of the provisions:

(a) Discipline, up to and including discharge, and/or

(b) Requiring satisfactory participation in a drug abuse assistance or rehabilitation program.

C. Inspections:

1. Whenever the County suspects that an employee's work performance or on-the-job behavior has been affected in any way by alcohol or a controlled substance, a duly certified law enforcement officer may search the employee, the employee's locker, desk, or other County property under the control of the employee, as well as the employee's personal effects or vehicle on County property, all in the presence of the employee, if possible.

2. Whenever the County suspects that an employee has sold, purchased, used, or possessed alcohol, a controlled substance, or illegal drug paraphernalia on County premises, a duly certified law enforcement officer may search the employee, the employee's locker, desk, or other County property under the control of the employee, as well as the employee's personal effects or vehicle on County property, all in the presence of the employee, if possible.

3. The County will prominently post on all employee bulletin boards the following notice:

RIGHT TO INSPECT

THE COUNTY OR ITS DULY AUTHORIZED AGENTS RESERVE THE RIGHT TO INSPECT THE PROPERTY AND PERSON OF ANY INDIVIDUAL OR VEHICLE ON COUNTY PROPERTY. THIS RIGHT INCLUDES, BUT IS NOT LIMITED TO, THE INSPECTION OF PARCELS, PACKAGES, PURSES, LUNCH BOXES, BRIEFCASES, LOCKERS, WORK STATIONS, AND DESKS.

D. Training:

1. Drug-Free Workplace Act: As required by the Federal Drug-Free Workplace Act of 1988, the County shall establish an on-going drug-free awareness program which will inform employees about:

- (a) The dangers of drug abuse in the workplace;
- (b) The County's policy of maintaining a drug-free workplace;
- (c) The availability of drug counseling, rehabilitation and employee assistance programs, and
- (d) The penalties that may be imposed on employees for drug abuse violations.

2. Department of Transportation: As required by Department of Transportation regulations, all drivers, supervisors, and County officials shall receive at least sixty (60) minutes of training on:

- (a) The effects and consequence of controlled substance use on personal health, safety, and the work environment; and
- (b) The manifestations and behavioral changes that may indicate controlled substance use or abuse.

IV. Responsibilities:

A. Employees:

All County employees are responsible for abiding by this policy, as a condition of their employment.

B. Management Officials and Supervisors:

- 1. All supervisors are responsible for being alert to possible violations of this policy by employees under their supervision.
- 2. Any possible violation of this policy should be reported to the County Manager.
- 3. The County Manager will oversee the overall application of this policy.
- 4. The County Manager will notify federal agencies

which contract with or grant to the County within ten (10) days after receiving notice of an employee's conviction under any criminal drug statute for a violation occurring in the workplace.

AGREEMENT

I hereby declare that I have received a copy of and have thoroughly read the County's Maintaining a Drug-Free Workplace Policy which includes the requirements of the Federal Drug-Free Workplace Act of 1988, and that I agree to abide by its terms as a condition of my employment. I further agree to allow the inspections described in this policy, with respect to my property and person, while I am on County property and/or on County business. I understand that if I violate the provisions of the policy, I may be immediately discharged.

Employee's Name

Witness' Name

Employee's Signature

Witness' Signature

Date

Date

Effective Date

ACKNOWLEDGEMENT

I, _____, an employee of Swain County, hereby certify that I have received a copy of this county's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on this county's premises and violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment on such federal contract, I must abide by the terms of this policy and will notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Signed _____
Date _____

Personnel / Resolution

SWAIN COUNTY, NORTH CAROLINA

Be it resolved that the Personnel Resolution, dated November 17, 2014 is adopted as an Administrative Policy and is not intended to create a property interest in continued employment or to provide an exception to the “employment at will” rule.

Be it further resolved by the Board of Commissioners of Swain County that the following rules and regulations shall govern the appointment, classification, salary, promotion, dismissal, and conditions of employment of the employees of Swain County.

Be it further ordained that Swain County is an Equal Opportunity, Affirmative Action Employer, and hires only United States Citizens and lawfully authorized alien workers.

