

Article I: General Provisions

Section 1: Purpose of the Policy

The purpose of the rules and regulations of the Personnel Policy of Washington County is to establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the Board of Commissioners, County Manager and elected officials. These entities are the official appointing authorities covered by this policy. State requirements will override these policies for positions subject to the State Personnel Act whenever there is a conflict. This policy is established under authority of G.S. 153A, Article 5 and G.S. 126 of the General Statutes of North Carolina. All provisions are subject to change.

Section 2: Non-discrimination

No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be affected as an employee because of an individual's race, color, religion, gender, national origin, political affiliation, disability or age.

Section 3: Responsibilities of the County Board of Commissioners

The County Board of Commissioners shall be responsible for establishing and approving human resources policies, the position classification and pay plan, and it may change the policies and benefits as required. The Board shall also make and confirm appointments when so required by the general statutes.

Section 4: Responsibilities of the County Manager

The County Manager shall be responsible to the County Board of Commissioners for the administration of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except elected officials or people whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with procedures in this Policy.

The County Manager shall:

- a) recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration
- b) make changes to maintain an up to date and accurate position classification plan
- c) recommend necessary revisions to the pay plan

- d) determine which employees shall be subject to the overtime provision of the FLSA
- e) perform other duties assigned by the County Board of Commissioners not inconsistent with this Policy

Section 5: Responsibilities of the Human Resources Specialist

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

- a) recommend rules and revisions to the personnel system to the County Manager for consideration after consultation with the immediate Supervisor or Finance Officer
- b) recommend changes to maintain an up to date and accurate position classification plan
- c) recommend necessary revisions to the pay plan
- d) maintain a roster of all people in the County service
- e) establish and maintain a list of authorized positions in the County at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and such other data that may be requested
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County
- g) develop and coordinate training and educational programs for County employees
- h) investigate periodically the operation and effect of the personnel provisions of this policy
- i) perform other duties assigned by the County Manager and Finance Officer not inconsistent with this Policy

Section 6: Application of Policies, Plan, Rules and Regulations

The personnel policy and all rules and regulations adopted shall be binding on all Washington County employees. The County Manager, County Attorney, elected officials, appointed members of the County Board of Commissioners and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 7: Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments within the County, each department is authorized to establish

supplemental rules and regulations applicable only to personnel of that department. All such rules and regulations are subject to approval by the County Manager and shall not in any way conflict with the provisions of this Policy, but shall be considered a supplement. A copy of any such policies shall be given to the Human Resources Specialist.

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

Article II: Employment and Recruitment

Section 1: Equal Employment Opportunity

It is the policy of Washington County to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and County representatives, and to assure equal employment opportunity to all persons regardless of race, religion, color, creed, national origin, sex, gender, marital status, political affiliation, age or non-disqualifying disability.

Section 1A: Goals and Objectives

The goals and objectives of the Equal Employment Opportunity Policy are to:

- Ensure fair treatment and non-discrimination in County hiring, County employment, and in appointments to and service on County boards and commissions
- Provide compliance with State and Federal equal opportunity requirements and regulations
- Provide a basis for encouraging those who do business with the County to practice Equal Employment Opportunity

Section 1B: Responsibility

The County Manager shall serve as the Equal Opportunity Officer and shall carry out the Equal Employment Opportunity Policy. The Officer shall be the focal point for the County's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy, and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies. The Equal Opportunity Officer will have responsibility to examine and modify existing internal policies or procedures which may serve as barriers to implementing the Equal Employment Opportunity Program.

Section 1C: Practices

The Equal Opportunity Officer shall undertake the following actions to assure equal employment opportunities in the County:

- 1) Periodically review all position qualifications and job descriptions to ensure requirements are relevant to the tasks to be performed. Make

recommendations as needed to delete requirements not reasonably related to the tasks to be performed.

- 2) Assure that pay and benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
- 3) Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotions, and terminations, including those of minorities and women, are considered without discrimination and all applicants be given equal opportunity regardless of race, creed, color, nation origin, gender, marital status, age or qualified disability.
- 4) Create a large pool of qualified candidates to encourage diversity and ensure equal employment opportunity in hiring. The following practices for listing jobs will be followed under the Equal Opportunity Officer's discretion:
 - Regular full-time jobs must be open for a minimum of 10 working days
 - Jobs may be advertised in the County's local newspaper, through the N.C. Employment Security Commission, various other newspapers and/or various other job posting websites. In some instances, the County may advertise within.
 - Provide orientation for all new employees specifically emphasizing how the County assures equal opportunity
 - This policy shall be made known to all employees, contractors and suppliers through distribution of the Equal Employment Opportunity Policy. Applications for employment will include an equal opportunity clause.
 - Standard County contracts will include a non-discrimination clause

The County's Equal Employment Opportunity Policy shall be made available to any Federal or State agency upon request.

Violations of this policy may be cause for disciplinary action up to and including termination.

Section 2: Non-Discrimination

Washington County promotes fair practice and non-discrimination in activities relating to employment and treatment of all citizens. Washington County assures that all applicants are assured equal employment opportunity without regard to race, color, religion, gender, national origin, age or qualified disability.

Section 2A: Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 makes it unlawful for employers to fail or refuse to hire, or to discharge any individual, or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment because of his/her race, color, religion, gender or national origin. Washington County abides by this law.

Section 2B: The Age Discrimination in Employment Act

The Age Discrimination in Employment Act prohibits discrimination in hiring, discharge or compensation, terms, or privileges of employment because of age. Washington County abides by this law.

Section 2C: The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act says that no employer “shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” Washington County abides by this law.

Section 3: Recruitment, Selection and Appointment

When a position vacancy occurs, the Department Head must complete a New Hire Authorization form and submit it to the Finance Office and County Manager for approval.

When position vacancies occur, the Human Resources Specialist will publicize these vacancies for employment, including applicable qualifications, duties and salary information. Job listings may be advertised through the North Carolina Employment Security Commission as well as the local newspaper. In some cases, a job may be advertised in other various newspaper and/or job posting websites. Job listings will be open for at least 10 business days from the first day advertised in order to advertise to a wide geographical area to assure there is ample time to receive many well qualified applicants.

Job advertisements will contain assurances of equal employment opportunity and shall comply with Federal and State statutes. Job advertisements will also disclose that all applicants are subject to criminal background checks, reference checks and drug testing prior to employment. For certain qualified positions, financial background checks will be requested prior to employment.

All applicants will complete an official Washington County employment application and when required, submit a cover letter and resume. Applications

will be submitted to the Human Resources Specialist. Applications can be found in the Finance Office.

All applications will be accepted until 5:00pm on the specified due date for each position opening. Any application received after 5:00pm on the specified due date will not be considered for the position. All applications shall be kept in an inactive reserve file for a period of two years in accordance with Equal Opportunity Commission guidelines.

Section 3A: Selection

At the closing date, the Human Resources Specialist will review all applications and give all qualified applications to the respective Department Head. All qualified applicants will be interviewed.

The Human Resources Specialist will contact the candidates and schedule interviews. The Department Head, Human Resources Specialist and the County Manager and/or Assistant County Manager shall be present at all interviews unless otherwise approved by the County Manager. All applicants of the same position will be asked the same questions in the interviews. After all interviews have been completed, the Department Head, Human Resources Specialist and County Manager and/or Assistant County Manager will choose the candidate. All chosen candidates must be approved by the County Manager for hire. When an offer is extended to a candidate, it is contingent upon a mandatory Background Check and Reference Check. The Background Check is to be completed by the Human Resources Specialist unless otherwise authorized. Reference checks will be completed by the Human Resources Specialist. In some instances, financial background checks and/or drug testing will be performed prior to employment. All information will be reviewed by the County Manager before making a final decision to hire.

Section 3B: Appointment

If hired, a written letter will be provided to the candidate stating all terms of employment. The candidate must sign the letter agreeing to the terms and give back to the Human Resources Specialist to be kept in the employee's personnel file. All applicants who were not hired will be notified by mail by the Human Resources Specialist.

On the hire date, the new employee will obtain an Employee Packet with all the necessary forms to fill out for employment with the County. Full time employee packets also contain benefits information. New employees will be given their packet at orientation with the Human Resources Specialist. The forms are to be completed and turned back into the Human Resources Specialist within one week of hire.

Section 4: Probationary Period

All employees, except exempt department heads, placed in new full-time or part-time positions must serve a period of probation. Exempt management and confidential employees who are “at will” employees serve no probation period as they are continually “on probation.” Employees serve a probationary period of six months unless otherwise notified by the County Manager. Law enforcement officers serve a probationary period of three months. During the probationary period, employees may accrue vacation and sick leave, but may not use vacation leave until successful completion of the probationary period. Employees may use accrued sick leave during the period of probation. At the end of the probationary period, the employee will be eligible to use accrued vacation leave retroactive to their beginning date of employment. If an emergency arises during an employee’s probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked.

The probationary period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee’s potential and performance. During the established probationary period, the County reserves the right to terminate the probationary employee’s service on the basis of unsatisfactory performance or on any basis.

If an employee is unable to perform the work, the person shall be terminated as early as possible. Terminated probationers shall be notified of such action in writing by the Department Head at any time during the probationary period and a copy of said notification shall be retained in the personnel files.

At the end of the probation period, the employee is formally evaluated and provided written documentation of progress.

Under unusual circumstances, the probationary period may be extended. This is only after an evaluation of the situation, the employee’s abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Supervisor, Department Head and County Manager.

After successful completion of the probationary period, the employee becomes a regular employee.

Section 5: Re-employment

Any former employee who resigned from the County in good standing is eligible for re-employment. Persons interested in re-employment should file a completed County application form with the Finance Office. The individual will then proceed through the regular hiring procedures with other applicants as described in the Recruitment and Selection policy.

An individual re-employed in his/her former position may be paid at the same pay step at the time he/she left the County, provided that the re-employment is within 1 year of the previous resignation. The compensation of an employee re-hired to a position other than the former position will be subject to provisions for new hires.

Reinstatement in the retirement system will be made in accordance with the rules and regulations as set by the Local Government Retirement System.

Vacation eligibility will be based on previous County service.

The date of hire will take the person's previous service with the County into account; however, future step increases will coincide with the re-employment date.

The individual's previous personnel file will be re-activated once re-employed by the County provided re-employment is within seven years after the original resignation.

All individuals re-employed by the County must complete a new probationary period.

Section 6: Employee Orientation

All new regular full-time and regular part-time employees of Washington County will be scheduled to meet with the Human Resources Specialist on or before their first day of work for general orientation.

The Human Resources Specialist will distribute and explain the various employment forms, benefits, enrollment forms, etc. that must be filled out.

Each new employee will be provided with information on employee benefits, County policies and operations. Each new employee will receive a copy of the Washington County Personnel Policy and must sign a certification that the Policy has been read, understood and accepted. The new employee must return the signed certification to the Human Resources Specialist within 10 business days from the date of orientation. Failure to return the signed certification within 10 business days will result in disciplinary action up to and including termination.

The hiring department provides additional information to the new employee, including:

- Work standards and regulations
- Hours of work, time sheets, leave requests
- Duties of the position
- Safety rules and procedures, location of safety or protective equipment

- Tour of the work area, including location of equipment, supplies, etc.
- Introduction to co-workers
- Schedule for lunch and breaks
- When and whom to report absence from work
- Who is responsible for performance planning and review

Section 7: Grievances

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

No punitive action shall be carried out against the employee for utilizing the grievance procedure.

A “grievance” shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of County policies and procedures.

Every attempt will be made to resolve the grievance to the mutual satisfaction of the employee and the County.

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

Section 7A: Grievance Procedure

Prior to submission of a formal grievance, the supervisor and employee should meet to discuss the problem and try to resolve it informally. The Human Resources Specialist may be involved as a resource to help solve the problem. Mediation may be used in any step of the process and is encouraged.

If no resolution to the grievance can be reached informally, the employee may use the following formal procedure:

Step 1: An employee must present a grievance in writing to their supervisor/Department Head within 30 calendar days of its alleged occurrence. The supervisor/Department Head shall immediately provide a copy of the written grievance to the Human Resources Specialist. The supervisor shall respond to the grievance within 5 calendar days after receipt of the grievance. The supervisor should consult with the County Attorney or County Manager in order

to reach a correct, impartial, fair and equitable decision concerning the grievance.

The response from the supervisor for each step in the formal grievance process shall be in writing. The employee shall also sign a copy acknowledging receipt. The supervisor shall send copies of the grievance and response to the Human Resources Specialist.

Step 2: If the employee is not satisfied with the solution by the supervisor/Department Head, the employee must submit the grievance, in writing, to the County Manager within 5 calendar days of the receipt of response. This written notice shall include the following:

- a) Statement of the grievance and relevant facts
- b) Remedy sought
- c) Reasons for dissatisfaction with the supervisor/department head's solution.

The County Manager shall attempt to resolve the grievance within 5 business days after it has been presented to him/her. The County Manager is the final authority within the County on grievances presented by non-represented employees. Note: The Sheriff and Register of Deeds will carry out the responsibilities of the County Manager in their respective departments.

No part of the above procedure shall be in conflict or violation of other state or Federal laws and regulations.

Questions or requests for additional guidance concerning procedural or substantial matters relating to the grievance should be directed to the County Manager.

Section 7B: Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. Such persons are encouraged to use the procedure, but have the right to appeal directly to the Human Resources Specialist or County Manager. An employee or applicant should appeal an alleged act of discrimination within 30 calendar days of the alleged discriminatory action.

Section 8: References for Previous Employees

If an employer requests a reference check on a previous Washington County employee for the purposes of hiring the individual, direct the employer to the

Human Resources Specialist in the Finance Office. Departments shall not give out professional or personal references for previous employees.

The Human Resources Specialist will be required to give the following information on the previous employee to the questioning employer:

- Date of Hire
- Termination Date
- Position Title

This information will be found in the previous employee's personnel file. No other information will be given.

Article III: Conditions of Employment

Section 1: Work Schedule

Regular full-time employees of Washington County are required to work 7.5 hours per day or 37.5 hours per week. Employees working in the Sheriff, Detention, Telecommunications and EMS Department are required to work 40 hours per week. Normal office hours are from 8:30am – 5:00pm.

Employees are allowed 1 unpaid lunch hour per work day. This does not include personnel engaged in shift work. It is mandatory that all non-exempt employees take at least a 30 minute unpaid lunch/rest break during their scheduled workday/shift. Comp time will not be given for the 30 minute break. Employees are not required to leave their work area during the break; but will be released from all duties for the duration of the break.

All employees in the Telecommunications department are given 8 hours of compensatory time each pay period due to the fact that they cannot leave their duties for a lunch break.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The lunch period will be scheduled to allow for continuous staffing of all offices with at least one person.

Employees shall receive a rest period of 15 minutes for each 4 hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each 4 hour work period. No employee shall be required to work more than 3 hours without a rest period.

The County shall provide each employee with 1 hour for a meal generally between the third and fifth hour of each shift. The employee may add the two 15 minute rest breaks to the meal period with the mutual agreement of the Department Head. All rest breaks and lunch breaks shall be arranged by the employee at the discretion of his/her supervisor.

Section 2: Employment of Relatives

Definition of “**Immediate Family Members**”:

Includes spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and legally adopted relationships that can be derived from those named. This policy shall also apply to persons related by blood or marriage residing in an employee’s home.

It is the County's policy that **immediate family members** will not be employed in regular full-time or regular part-time positions where:

- 1) One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- 2) One relative would be responsible for auditing the work of the other.
- 3) Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the County's interest and their own.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or member of either sex. For example:

The exclusion should be limited to the job, work crew, shop or unit where the reason for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force. When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to determine which spouse shall keep the job. The County may require one spouse to quit 60 days after marriage if they become in violation of this policy and a mutually-agreeable solution cannot be reached between the County and the employees.

Section 3: Outside Employment

The work of Washington County shall have precedence over other occupational interests of employees. All outside employment for wages, salaries or commissions and all self-employment must be reported in writing to the employee's supervisor and the County Manager. The County Manager will review the employment for possible conflict of interest and then approve or disapprove the outside employment.

Some examples of conflicts of interest include but are not limited to:

- 1) employment with organizations or in capacities that are regulated by the employee or employee's department
- 2) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality or reputation representing the County

Section 4: Dual Employment within the County

A full or part-time employee of the County may simultaneously hold another position with the County if the position is temporary and is in a different department or agency and substantially different capacity and occupational area

from that of the full or part-time position. The work must also be performed on an occasional and sporadic basis. Any other situation requires overtime pay.

Section 5: Minor Work Permits

The County, through the Human Resources Specialist, secures from the State a permit to employ persons under the age of 18. Whenever a minor is employed, the hiring department is responsible to:

- 1) Complete the parental authorization form and obtain necessary signatures (parent, guardian and school)
- 2) Obtain and photocopy the minor's proof of age document
- 3) Forward items 1 and 2 to the Human Resources Specialist prior to employment

Section 6: Work Periods

The purpose of this policy is to establish work periods for purposes of the Federal Fair Labor Standards Act (FLSA), effective April 15, 1986, as amended from time to time.

The work period for any 24-hour Law Enforcement officer shall be 28 days. This work period starts at 7:00am and ends 28 days later at 6:59am.

The work period for EMS employees shall be a 7 day period beginning on Sunday at 12:00am and ending on Saturday at 11:59pm.

The work period for all other County employees shall be a 7 day period beginning on Monday at 12:00am and ending on Sunday at 11:59pm.

This policy shall not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA.

The above referenced work period may be changed to accommodate special work schedules, such as the maintenance division's summer schedule.

Section 7: Use of County Property

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

All employees who use County vehicles are required to follow all motor vehicle and safety rules and requirements. A monthly Vehicle Log shall be kept in each

County vehicle. Each time a County employee uses the County vehicle, the employee must document their name, the date, beginning odometer reading, ending odometer reading, mileage, department, and reason for the trip. At the end of each month, all Vehicle Logs will be given to the Deputy Finance Officer and a new log will be placed in each vehicle. Violation of this policy or misuse of County vehicles subjects the employee to disciplinary action, up to and including termination.

Section 8: Bonding Requirements

Surety bonds are required by numerous North Carolina General Statutes. According to G.S. 58-73-30, an elected or appointed official is required to provide a bond to make good any losses incurred because of the failure to perform the duties of his/her office. G.S. 105-349(c) requires that a tax collector furnish a bond conditioned on his/her honest and faithful performance before being allowed to begin his/her duties. The amount set by the governing body is \$100,000. According to G.S. 161-4(a), the register of deeds for a county must be bonded which is set at \$50,000. Sheriffs must furnish a bond payable to the State of North Carolina in the amount of \$50,000 under G.S. 162-8. Finally, G.S. 159-29(a) requires that the finance officer of a local government or public authority furnish a faithful performance and true accounting bond with sufficient sureties in an amount fixed by the governing board.

According to G.S. 159-29(b), each officer, employee or agent of a local government or public authority who handles or has in his/her custody more than \$100 of the unit's money or who handles or has access to the inventories of a unit is required to furnish a faithful performance bond. Washington County adopts a blanket faithful performance bond in these instances as an alternative to individual bonds.

Section 9: Types of Employment and Benefits Eligibility

Employee compensation shall be stated in terms of annual salary or hourly wage for all County employees.

The types of County employment are:

- 1) **Probationary Employee**: An employee on a trial status during the initial period of employment. All newly hired County employees are on a probationary status which, unless provided otherwise by the County Manager, extends for 6 months from the date of hire. Law enforcement officers have a 3 month probationary period. Probationary periods may be extended under special circumstances.
- 2) **Regular Full-Time Employee**: An employee who has successfully completed the probationary period, is assigned to a position which is

expected to continue for an indefinite duration, and works a shift schedule which will total no less than 1950 hours per year.

- 3) Regular Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 37.5 hours, per week.
- 4) Regular Part-Time Exempt Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, works a shift schedule of 20 hours or more, but less than 37.5 hours, per week, and is an exempt employee as defined by the Fair Labor Standards Act.
- 4) Temporary Full-Time Employee: An employee whose work assignment is limited in duration to six months or less, and works a shift schedule which on an annual basis would total no less than 1950 hours.
- 5) Temporary Part-Time Employee: An employee whose work assignment is limited in duration to six months or less, and works a shift schedule which on an annual basis would total less than 1950 hours.
- 6) Regular Special Shift Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which is regularly less than 20 hours per week, or which varies from week to week.
- 7) Intermittent Employee: An employee qualified to work in one or more job assignments who is on call to work at irregular intervals in one or more County departments.
- 8) Student Intern Employee: An employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full or part-time position which, in the case of post-secondary students, is related to the student's course of study, and which will continue for no longer than the then current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term.

Section 9A: Benefits Eligibility

Entitlement to employee benefits shall be as follows:

1. Employees classified as regular full-time employees shall receive all employee benefits provided by the County. Probationary employees, upon successful completion of their probationary periods, will be regular full-time employees subject to applicable eligibility provisions and time periods.
2. Regular part-time exempt employees as defined by the Fair Labor Standards Act working more than 1000 hours per year and not funded by outside grants shall receive benefits provided by the County.

Article IV: Compensation

Section 1: Compensation and Pay Plan Policies

It is the policy of the County and the purpose of this plan to establish a compensation system that will allow the County to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

The salary schedule shall be adopted by the County Commissioners and shall apply to all employees not covered by a labor contract. Employees covered by a labor contract shall be compensated as referenced in any such agreement.

Section 1A: New Employees

All new employees will ordinarily be paid the minimum rate to mid-point rate in the appropriate salary range except as approved by the County Manager.

Section 1B: Cost-of-Living Adjustments

Cost-of-Living adjustments/salary modifications may be granted by the County Commissioners upon recommendation by the County Manager. If granted, they are generally effective July 1st of each year.

Section 1C: Re-evaluation

Re-evaluation: In the event that the salary of any position is re-evaluated by the County Manager's Office and the County Commissioners authorize implementation of an increased range, the employee shall retain his/her current salary within the range or assume the entry level step of the new range, whichever is greater.

Section 1D: Pay Rates Exceeding Range Maximum

Any employee whose pay rate exceeds the maximum prescribed for his/her classification as a result of a reallocation of his/her position to a lower classification when there have been no recent, dramatic changes in assigned duties and responsibilities will not be reduced in pay. This does not apply to demotions. The employee will not be eligible for future salary increases until he/she occupies a position for which the salary range maximum is more than the pay rate he/she currently receives.

Section 1E: Classification Plan

Jobs with similar duties and responsibilities are assigned to the same salary range. The County Manager's Office conducts periodic studies of various jobs when there is an indication the employee is working above or below the established responsibilities for that position. These studies are normally initiated at the request of the Department Head and are conducted in accordance with the Administrative Policy on Reclassifications.

Section 1F: Maintenance of the Salary Plan

The Finance Office shall be responsible for the continuous maintenance and administration of the County's Compensation Plan. The review will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the County Manager's Office shall recommend to the County Commissioners changes to keep the plan current, uniform and equitable. Such changes shall be approved by the County Manager's Office and shall then be submitted in the annual budget to the County Commissioners.

Section 2: Compensatory Time/Overtime

This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period, excluding exempt employees. Under the provisions of the FLSA, compensatory time may be as agreed upon by the employer and the individual employee at the request of the employee, but may not be imposed by the employer in lieu of overtime pay upon any non-exempt employee who has not so requested such compensating time off.

Section 2A: Exempt or Non-exempt

According to the FLSA, every employee is non-exempt unless they can be shown to fit into one of three exceptions:

- 1) They are salaried, meaning no change in salary from pay period to pay period based on variations in quality or quantity of work (the "salary basis test")
- 2) They earn at least \$455 per week (the "salary threshold test")
- 3) They are an executive, administrative or professional employee within the meanings of those terms as set forth in the United State Department of Labor regulations (the "duties test")

Section 2B: Compensatory Time/Overtime Rules

Overtime requirements apply to all non-exempt employees. Washington County must pay overtime or one-and-one-half the employee's regular rate of pay for each hour worked over 40 per week. For EMS employees overtime purposes, the week starts at 12:00am Sunday and ends at 11:59pm on Saturday. For other County Employees overtime purposes, the week starts at 12:00am Monday and ends at 11:59pm on Sunday.

Law enforcement officers receive overtime pay for hours worked over 171 in a 28-day cycle.

A regular non-exempt full time employee with a regular work schedule of 37.5 hours per week, may be granted compensatory time off at the rate of one hour per hour worked over 37.5 until the hours worked reach 40. The County may give non-exempt employees compensatory time off at the rate of one-and-one-half hours worked over 40 in lieu of cash overtime up to 240 hours.

Compensatory time off must be used within one year of the date earned. Compensatory time must be used before vacation or sick leave.

Section 2C: Responsibilities

1) Department Head Responsibilities

- a) It shall be the responsibility of each Department Head to equitably administer the provisions of this policy within their respective departments.
- b) Department Heads are the authorized authority for the approval of overtime requests. It shall be the responsibility of the Department Head to determine whether overtime or compensatory time be granted to the employee when compensatory time is requested in lieu of overtime.
- c) Department Heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs.
- d) Department Heads will exercise extreme discretion in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime. Overtime will be paid to exempt employees for any emergency situation that requires them to work overtime wherein additional effort is needed to complete a task which is critical in nature.

2) Employee Responsibilities

- a) It is the responsibility of the employee to request compensatory time in lieu of overtime if so desired. Additionally, it is the

responsibility of the employee to ensure that accrued compensatory time is used within the time limitation set forth by this policy.

3) Human Resources Specialist Responsibilities

- a) The Human Resources Specialist shall ensure that a permanent record of overtime/compensatory time accrued and used is kept on all employees on timecards based on information provided by Department Heads and that proper financial transactions are completed at the end of each pay period.
- b) Upon termination, the Human Resources Specialist shall ensure that eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.
- c) The Human Resources Specialist shall conduct an annual audit of the overtime/compensatory time record of each employee through a comparison of payroll officer records and individuals departmental records.

Section 3: Date of Hire/Anniversary Date

Date of hire shall mean the effective date of the individual's employment with Washington County.

An employee returning from a leave of absence without pay will have his/her anniversary date extended by the same length of time the employee was on leave without pay.

There will be no change in an employee's anniversary date in the event of reallocation of an employee's position to a new classification title when there have been no recent, abrupt and/or significant changes in assigned tasks and responsibilities.

An employee reinstated to the same position or a position in the same class following layoff from the County will have his/her anniversary date extended by the same length of time as the duration of the layoff.

Section 4: Demotions

An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapability, department reorganization, etc.) will receive a cut in pay proportionate to the nature of the demotion as determined by the Department Head in consultation with the Finance Office and County Manager.

Demotions do not change the person's date of hire. However, the anniversary date for future salary increases changes.

No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.

An employee being demoted shall be notified two weeks prior to demotion except in emergency situations.

Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.

Persons demoted to new positions will be subject to the standard probationary period for the new position, unless specifically waived by the County Manager.

Employees in position classifications which are downgraded (or upgraded) in salary to reflect changes in market conditions will retain their existing anniversary date for future step increases.

Section 5: Promotions

Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties as well as time in service. When considering the promotion (or lateral transfer) of County employees having the same or similar qualifications, the position will be filled after considering such factors.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Department Head for a specified time or assignment as necessary. Such appointments are made on "acting" basis and the employee returns to his/her regular position upon completion of the assignment. The actual salary for "acting" appointments is set by the Department Head in consultations with the Finance Office, pursuant to the Administrative Policy on Working Out of Classification.

Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, the employee will enter the new grade/position at the entry level of the new position. In the event the entry level step of the new position does not provide a salary increase of 5% or more, the employee shall enter at the next closest step which provides a salary increase of 5% or more. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.

Promotions do not change the person's date of hire. However, the anniversary date for future pay increases will be revised to coincide with the promotion date.

Persons promoted will be subject to the standard probationary period for the new position, unless specifically waived by the County Manager. Those who fail the

probationary period may re-assume any prior appointment held prior to the promotion unless that position has been filled.

Employees in position classifications which are upgraded (or downgraded) in salary to reflect changes in market conditions will retain their existing anniversary date for future step increases.

Section 6: Position Descriptions

Position descriptions and job specifications shall be maintained by the Finance Office for all regular full-time and regular part-time positions.

The position descriptions shall include: Class Title, Grade Number, Class Code, Department, Division, Effective Date, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications, Special Requirements, Selection Guidelines and Approval Signatures.

The position description does not constitute an employment agreement between the County and employee and is subject to change as the needs of the County and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the Department Head.

Updates or revisions to position descriptions will be handled in accordance with the Administrative Policy on Reclassification Procedure.

Section 7: Working Out of Classification

Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.

The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time.

The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of 2 weeks.

Working out of classification compensation shall be allowed only after written recommendation of the Department Head and concurrence by the County Manager. Recommendation and designation shall be accomplished prior to the assumption of higher classification responsibilities.

The employee's compensation will be increased to the starting of the higher classification in which the employee is substituting, or five percent, whichever is higher.

When the temporary assignment is completed, the employee's salary will be readjusted to its previous level or the level where it would have attained, including general salary adjustment and within range increases, if the out of classification pay had not been made. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.

Section 8: Garnishments

Any notice of garnishment will be received by the Human Resources Specialist in the Finance Office. Garnishment is defined as a legal stoppage of a specified sum from wages to satisfy a creditor.

The notice of garnishment will be forwarded immediately to the Human Resources Specialist in the Finance Office for processing. The Finance Office will make the necessary deductions from the employee's wages and a check for the garnished amount will be written and forwarded to the Creditor as directed. The Finance Office will notify the employee, in writing, that the garnishment has been processed. Repeated garnishments may be considered cause for disciplinary action in accordance with state law.

The employee will be notified that the third garnishment for separate indebtedness within a twelve month period may be cause for termination.

Section 9: Pay Advances

Pay advances will not be granted through Washington County. If an employee is in need of a pay advance, they must apply for the advance through the Local Government Federal Credit Union. To be eligible for a pay advance through the LGFCU, the employee must already have their Washington County paycheck on direct deposit with LGFCU.

Section 10: Pay Period

The pay period for Washington County starts on the 16th of the month and goes through the 15th of the following month.

Employees get paid once per month, on or before the 25th.

At the end of each year, the Finance Office will send out a Pay Schedule to every department clearly stating each month's pay dates for the upcoming year.

Washington County has a mandatory direct deposit policy. Washington County will directly deposit each employee's monthly earnings into the employee's bank account on or before the 25th of each month. Department Heads will hand out pay stubs on or before the 25th of the month to all employees listing the amount earned, all payroll deductions and vacation and sick leave balances for the pay period.

Section 11: Payroll Deductions

The following deductions are required by law from each employee paycheck:

- 1) Federal Income Tax withholding
- 2) State Income Tax withholding
- 3) Social Security
- 4) Retirement contributions (eligible employees only)
- 5) Deductions authorized by law such as garnishments, child support, etc.

Additional deductions which are optional and may be requested by the employee include:

- 1) Payment to a County-approved credit union
- 2) Deferred compensation
- 3) Payment of health insurance premium (if applicable)
- 4) Payment of dental insurance premium (if applicable)
- 5) Payment of vision insurance premium (if applicable)
- 6) Payment of other optional insurance premiums (if applicable)
- 7) Payment of 401(K) contributions and/or loans (if applicable)
- 8) Payment of Washington County taxes

Each County employee receives a pay stub each month which lists earning and itemizes the various deductions made as well as appropriate cumulative totals. It is the employee's responsibility to maintain current payroll deduction information with the Finance Office. Employee's wishing to add or change their payroll deductions should contact the Human Resources Specialist in the Finance Office.

Section 12: Time sheets/Preparation of Payroll

Time sheets are to be completed by all employees. The time sheet shall include: employee name, employee number, department, pay period dates, compensatory time, holiday time, sick leave, vacation leave, leave without pay, employee signature and supervisor's signature. Approved leave request forms should be attached to time sheets for the pay period the leave was taken.

It is the responsibility of the employee to properly complete and submit their time sheet to the department head by the 1st workday after the 15th of the month. Time sheets are due to the Finance Office on the 2nd workday after the 15th of the month unless otherwise requested.

Any travel reimbursement sheets are due to the Finance Office on the 2nd workday after the 15th of the month. Any other refund requests under \$50.00 due to employees will be paid with payroll and the requests are due on the 2nd workday after the 15th of the month. Any refund \$50.00 or more due to employees will be given to an employee with a separate check.

The Finance Office shall compute earnings as well as deductions. Changes in rate, position, and status shall be supported by a Personnel and Payroll Action Form (PD100 Form for Department of Social Services) approved by the Department Head/Supervisor, Finance Officer, and County Manager. The form shall be made a part of the personal history record of the employee. No salary change shall be implemented unless accompanied by an approved PAF or PD100.

Payroll records including time sheets shall be maintained by the County for a minimum of seven years.

Falsification of time records for payroll purposes is reason for discipline as per the Administrative Policy on Employee Conduct.

Employees may direct inquiries concerning payroll matters to the Human Resources Specialist in the Finance Office.

Article V: Employee Benefits

Section 1: Eligibility

All Washington County regular full-time employees and regular part-time exempt employees and all eligible dependents are eligible for Washington County benefits. Insurance coverage becomes effective the first day of the month following the date of employment.

Section 2: Health Insurance

Washington County offers health insurance to all full-time employees, regular part-time exempt employees and their eligible dependents through the North Carolina State Health Plan administered by Blue Cross Blue Shield.

Specific benefits and plan options are described in a benefits booklet provided to employees.

Retiree premiums are based on retirement service. Washington County employees who retire with 5 but less than 20 years retirement service will be eligible to continue health insurance coverage by paying the full premium until age 65. Employees who retire with 20 or more years of retirement service (at least 10 of which has been with Washington County) will have the full County contribution paid for an individual rate until age 65. Spouses and dependant children of those employees who were covered while the employee was in active service are eligible to continue coverage on a contributory basis.

Section 3: United Health Care Dental Insurance

Washington County offers group dental insurance to all full-time employees, regular part-time exempt employees and their eligible dependents through United Health Care.

Specific benefits are described in a benefits booklet provided to employees.

Section 4: United Health Care Life Insurance

Washington County pays the cost of life insurance for each full-time employee for the benefit amount of one year's salary to a maximum of \$50,000. Life insurance is provided by United Health Care.

Dependent Life Insurance is an optional benefit offered to employees in which the employee must pay the premium.

Section 5: Spectera Vision Insurance

Washington County offers group vision insurance provided by Spectera to all full-time employees, regular part-time exempt employees and their eligible dependents.

Specific benefits are described in a benefits booklet provided to employees.

Section 6: Local Government Employees Retirement System:

Each employee in a budgeted position, working a minimum of 1,000 hours per year, will be enrolled in the Local Government Employees' Retirement System. Employees contribute through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

Section 7: North Carolina 401K Plan:

The North Carolina 401K Plan is an optional supplemental retirement plan administered by Prudential which is available for full-time employees to participate in. 100% of the contribution is vested immediately. If an employee opts to contribute a minimum of \$20 per month to the 401K Plan, Washington County will contribute 3.0% of the employee's salary to the plan per month on behalf of the employee. Law enforcement officers have no minimum requirement and Washington County contributes 5.0% of their salary to the plan per month on their behalf which is mandatory according to statutes.

Section 8: Longevity

To be eligible for longevity pay:

- 1) An employee must be a permanent employee of Washington County working at least 1000 hours per year and is participating in the North Carolina Local Government Retirement System.
- 2) The earliest possible date of eligibility for a longevity payment is when the employee has completed five years of continuous service to Washington County on or before January 5th.
- 3) Employees who have met all other requirements for longevity pay and either retire or their employment is terminated as a result of reduction in force shall receive a final longevity payment of 1/12 of the earned longevity for each full month of service during the final calendar year of employment
- 4) Employees on approved leave of absence or leave without pay will receive their longevity pay but employees working less than 1000 hours a year for their department are not eligible for longevity pay.

Amount of longevity pay:

The amount of annual longevity pay is a percentage of the employee’s annual gross rate of pay not including overtime. Longevity pay is computed by multiplying the employee’s current annual rate of pay by the appropriate longevity percentage rate. This calculation should always be rounded up to the nearest dollar. Longevity percentage rates are:

<u>Years of Washington County Service</u>	<u>Longevity Rate</u>
5 but less than 10 years	1.0%
10 but less than 15 years	1.5%
15 but less than 20 years	2.0%
20 but less than 25 years	2.5%
25 or more years	3.0%

Longevity is paid once per year and deposited into eligible employees’ accounts separately from any other payroll. Longevity pay is subject to all statutory deductions including Federal Income Withholding Tax, State Income Withholding Tax, Social Security Tax, and Employee’s Retirement Contribution. No other deductions will be made from longevity payments.

Longevity payments made to employees in error, due to the employee’s or Washington County’s mistake, must be returned to the County immediately.

Section 9: Social Security (FICA)

The County, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act. The federal Social Security program provides monthly benefits upon retirement, with full benefits available at age sixty-five (65) and reduced benefits available as early as age sixty-two (62).

Section 10: Credit Unions

Washington County employees and their family members are eligible to participate in the State Employees Credit Union or Local Government Employees Federal Credit Union. The credit unions offer a number of services to members including savings programs, interest checking, money market accounts, certificates of deposit, individual retirement accounts, loans, check cashing, loan protection insurance and member account insurance. All contributions are 100% financed by the employee.

Section 11: Unemployment Compensation

County employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the

Employment Security Commission. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

Section 12: Workers' Compensation

All employees of the County are covered by the North Carolina Workers' Compensation Act and are required to report all work-related injuries to their immediate Supervisor at the time of the injury in order that appropriate action may be taken. The employee shall complete a Washington County Workers' Compensation Employee Incident Report form detailing the accident and/or injury circumstances. The forms can be obtained from the Department Head or Finance Office.

The injured employee shall also notify the Human Resources Specialist in the Finance Office with the detailed incident report form within 24 hours of the incident so that appropriate claims can be filed with the North Carolina Industrial Commission. In the event that the injured employee is incapacitated and unable to report the incident, it is the responsibility of the Department Head to report the incident to the Human Resources Specialist within 24 hours. **Failure to report an incident to the Human Resources Specialist within 24 hours will result in directly charging the employee through a payroll deduction and/or the department's budget with any late penalty costs incurred.**

In the event that an injury occurs after hours or on a weekend in which it would not be possible to report the incident within 24 hours to the Human Resources Specialist due to the Finance Office being closed, the Department Head must call Sedgwick, the Workers' Compensation provider, directly and report the incident. All Department Heads will have the contact phone number to report claims in these situations. In these types of situations, the Department Head must call Sedgwick and report the incident within 24 hours of occurrence. **In these situations, failure to call Sedgwick and report the incident within 24 hours will result in directly charging the employee through a payroll deduction and/or the department's budget with any late penalty costs incurred.** The Department Head must also give the detailed incident report form to the Human Resources Specialist the next business day that the Finance Office is open.

Section 12A: Workers' Compensation Medical Care

If an employee is injured on the job and needs medical care, the employee must go to Washington County's Workers' Compensation medical provider, Plymouth Primary Care. The employee must first notify the Supervisor and the Human Resources Specialist of the injury and the need to seek medical care. Prior to going to the doctor, the employee needs to get the "Temporary Prescription Services" form from the Supervisor. This form will be in a Workers' Compensation packet provided to the employee from the Supervisor at the time of injury. The employee shall give this form to the pharmacist if any prescriptions

are issued and filled. If prescriptions are issued for a work related injury, the employee must use the County's Workers' Compensation participating pharmacy, Kerr Drug in Plymouth. Failure to go to the County's medical provider or participating pharmacy may result in a denial of payment of medical benefits. In the case of a life-threatening emergency or after business hours of Plymouth Primary Care, the employee may go to the Emergency Room. In exigent circumstances such as getting injured out of town, an employee may seek medical care at the nearest Urgent Care Facility or in the case of a life-threatening emergency, the nearest emergency room.

Written documentation of any prescriptions given to employees for work related injuries and all medical reports from the doctor's visit are required to be forwarded to the employee's Supervisor and the Human Resources Specialist immediately. If the physician instructs the employee to remain out of work for a period of time, written documentation should be forwarded to the employee's Supervisor and the Human Resources Specialist immediately. It is entirely the employee's responsibility to forward this documentation to the supervisor and Human Resources Specialist within 24 hours of the doctor's visit. If the employee is incapacitated and is unable to forward this information, it is the responsibility of the Department Head to retrieve this information and forward to the Human Resources Specialist within 24 hours of the doctor's visit. This information is necessary in filing appropriate claims with the North Carolina Industrial Commission.

Section 12B: Workers' Compensation Pay

Financing for the Workers' Compensation program is provided solely by the County. When an employee is injured on the job as a result of a compensable injury or occupational illness and loses time from work while seeking medical attention due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury. Workers' Compensation benefits are payable after a waiting period of 7 days of absences from work. During the first 7 days of absences, employees can choose to use accrued sick or vacation leave or can go on leave without pay. After the waiting period, the affected employee will be put on Workers' Compensation Leave and Workers' Compensation benefits will be paid to the employee at a rate as provided by law. Once an employee begins drawing Workers' Compensation pay, the employee will not be allowed to receive pay for sick leave or vacation leave in addition to the Workers' Compensation payments. Regular pay from Washington County will begin again when the employee returns to work for the County.

Section 12C: Workers' Compensation and FMLA

Workers' Compensation leave will run concurrently with FMLA leave which provides an employee up to 12 weeks of unpaid leave per year for qualified individuals with a "serious health condition." The North Carolina Workers'

Compensation Act does not specifically address benefits, however, under the FMLA, health insurance coverage must be continued just as if the employee was still working. The County must cover the portion of insurance cost that it normally covers for the employee and the employee must pay the share of the cost that they normally pay. The employee portion of insurance must be paid to the Finance Office by the 1st of each month to avoid coverage from being terminated. Under the FMLA, employees must be reinstated to the same job or job equivalent with the same benefits when they return to work.

Section 12D: Benefits While on Workers' Compensation Leave

Vacation and Sick Leave Accrual: While on Workers' Compensation Leave, the employee shall not continue to accumulate vacation and sick leave. Vacation and sick leave accrual will begin again when the employee returns to work full time.

Health, Dental, Vision & Life Insurance: While on Workers' Compensation Leave, an employee shall continue to be covered under the County's Health, Dental, Vision and Life Insurance programs just as if the employee was still working. Premiums that are normally deducted from the employee's paycheck must be paid directly by the employee and are due to the Finance Office by the 1st of each month to ensure continued coverage.

Retirement Service Credit: While on Workers' Compensation Leave, an employee does not have any retirement contributions made and does not receive any retirement credit. As a member of the Retirement System, the employee may purchase credits for the period of time on an approved leave of absence. Upon request by the employee, the Retirement System provides a statement of the cost and a date by which purchase must be made.

Longevity: While on Workers' Compensation Leave, an employee will continue to receive longevity credit. Employees who are eligible for longevity pay shall receive their payments in accordance with the Longevity Pay policy.

NC 401K Plan: During a period of Workers' Compensation leave, all contributions to the NC 401K Plan, employee and employer, are stopped. Contributions resume when the employee returns to work.

Reinstatement Salary: Upon reinstatement, an employee's salary shall be computed based on the last salary plus any Board of Commissioners' approved increase to which entitled.

Section 12E: Return to Work after Workers' Compensation Leave

Employees may return to work if approval is received as required under the Workers' Compensation law. The County may, with approval of a physician, return the employee to full time light duty.

Washington County believes every employee is important and is a valuable resource to our organization. The County seeks to prevent on the job injuries and illnesses. If an employee is injured on the job, the County will make reasonable effort to provide suitable transitional work opportunities for the employee if he/she is unable to perform his/her regular job duties. This may include modifying the employee's regular job to light duty or, if available, providing temporary alternate work. The County is committed to returning employees to work when released by an authorized treating physician. When an employee returns to work full time, with or without medical restrictions, he/she will receive his/her regular salary.

Section 13: Continuance of Medical Coverage - COBRA

The United States Department of Labor's Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.

1) Employees or dependents may elect to continue medical coverage beyond the date that it would otherwise terminate by doing the following:

- Continue to participate in the group medical coverage plan under the criteria outlined below:
 - **Rights of Employee.** Employees presently covered by the insurance plan may continue this coverage for up to 18 months from the date that employment terminates or status changed to a nonparticipating (non insured) employment status provided that the employee pay the full cost of premium and any administrative fee (up to 2%) that may be imposed.
 - **Rights of a Spouse of an Employee.** The spouse of an employee covered by the medical plan has the right to continue coverage if the employee was terminated or changed to nonparticipating employment status, or if a divorce or legal court-decreed separation from the employee took place. Coverage under these circumstances may continue for a period up to 36 months provided that the spouse pay the premium in full and any administrative fee (up to 2%) that may be imposed.
 - **Rights of Child(ren).** Dependent children of an employee covered by the medical plan have the right to continue coverage if group

health coverage under the medical plan is lost because of termination of a parent's employment or change to nonparticipating employment status, parents' divorce or legal court-decreed separation, the dependent ceases to be eligible under the medical plan (reached age 19). Coverage under these circumstances may continue for a period up to 36 months provided that the parent pay the premium in full and any administrative fee (up to 2%) that may be imposed.

2) Election of continued dental and vision coverage forms are located in the Finance Office and will be provided to employees at termination. Employees/spouses/dependents have 60 days from the later of the date they receive the forms or the termination date to elect to continue coverage. If coverage is not elected in this time period or is refused by the employee/spouse/dependent, coverage will end on the last day of the month of termination.

If the employee/spouse/dependent elects to continue coverage they are responsible for paying the entire cost of the dental and/or vision (both employer and employee share) to the County. Payment is due to the County on the 25th of each month. The current monthly cost is specified on the election forms in the Finance Office.

COBRA for health insurance coverage is offered through Blue Cross Blue Shield. BCBS will send necessary forms for electing continued coverage directly to the employee's home address at the time of termination.

Continued coverage may be terminated earlier than the 18 or 36 month period if group medical plans for all other employees are terminated or if the employee/spouse/dependent:

- Fails to remit the required monthly payments within 10 days of the due date
- Becomes eligible under any other group medical plan
- A covered spouse remarries and become eligible to be covered under a group medical plan
- Becomes eligible for Medicare

Section 14: Additional Benefits

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

Section 15: Tax Payment Deductions

County employees may choose to have a monthly payroll deduction to pay any Washington County taxes. Some employees find it a convenient way to pay taxes throughout the year instead of having to come up with a lump sum at the end of the year. If an employee is interested in having a monthly payroll deduction to pay County taxes, notify the Human Resources Specialist in the Finance Office.

Article VI: Leaves

Section 1: Bereavement Leave

Any regular full-time or regular part-time employee of Washington County who has a member of his or her immediate family die shall receive three days off with pay as bereavement leave to arrange and/or attend funeral activities.

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

If additional time is necessary, it shall be taken as vacation or unpaid leave if vacation has been exhausted with advance authorization by the appropriate Department Head and/or County Manager’s office.

The employee must notify his/her immediate supervisor upon making determination to take time off from work.

Employees who fail to return to work on the date specified to the Department Head without receiving an extension are subject to disciplinary action up to and including termination.

Section 2: Holidays

Washington County shall celebrate the following holidays off with pay for regular full-time and regular part-time employees as indicated each year in the North Carolina Holiday Schedule:

New Years Day
Martin Luther King, Jr. Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving (2 days including Thanksgiving Day and day after)
Christmas (2 or 3 workdays including Christmas Day)

At the beginning of each year, a holiday schedule for the year will be provided to all employees. Washington County allows for 11-12 holidays plus a floating holiday.

In the event a holiday other than a floating holiday falls on a Sunday, the following Monday shall be deemed to be the legal holiday. In the event a holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.

The Landfill holiday schedule may differ from the County holiday schedule and will be posted each year.

If any holiday mentioned above, with the exception of the floating holiday, falls on an employee's regularly scheduled day off, the employee shall be granted another day off during the month in which the holiday was celebrated, whenever possible. If this is not possible, the employee shall receive regular pay for the holiday rather than equivalent time off.

Employees required to work on any designated holiday shall receive holiday bonus time off equivalent to the employee's regular scheduled workday not to exceed 8 hours. The holiday bonus time off must be used within 60 calendar days of the date earned or the bonus time off is forfeited. If it is not possible within the department schedule for an employee to use the holiday bonus time off within this time period, the employee may be paid at the overtime rate in addition to the regular pay for the holiday with the approval of the Department Head.

The holiday shall be considered the number of hours of an employee's regular scheduled workday not to exceed 8 hours. If an employee's regular shift consists of more than 8 hours, the excess hours must be worked or be charged to the employee's vacation balance.

When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.

An employee who is absent without leave on the day immediately preceding or following a holiday shall lose the holiday as well as pay for that day.

Upon separation of employment, all unused holiday bonus time off will be forfeited.

Sheriff's Department: If a holiday falls on an employee's regularly scheduled day off, the employee shall not be granted another day off and shall not be paid holiday pay. Employees who are scheduled to work on a holiday will receive pay at the rate of time and a half.

Section 3: Floating Holiday

Washington County full-time employees may select one paid floating holiday each calendar year provided:

- The employee has been or is scheduled to be continuously employed by the County for more than four months in the calendar year.

- The employee has given at least 14 calendar days written notice to his/her immediate supervisor. However, the employee and supervisor may agree upon an earlier date.
- The number of employees selecting a particular day off does not prevent the County from providing continued public service.

A floating holiday must be taken during the calendar year of entitlement or the day shall lapse, except when an employee has requested a holiday and the request has been denied.

When the number of requests for a particular day would impair department operations, if granted, the following criteria shall be used to determine which requests are allowed:

- The holiday shall be granted to employees in the order in which the requests for a holiday date are submitted, with the earliest request receiving first priority.
- In the event several requests are submitted the same day, requests shall be granted based on employment seniority.
- Final authority for approving or disapproving holiday requests shall rest with the Department Head based on department operational necessity. Any disapproval shall be communicated to the employee involved as soon as possible.

Floating holidays may be combined with vacation or other leaves. Unused floating holidays are not paid to terminated employees.

Employee requests should be made on the proper form to the immediate supervisor. Approval or disapproval shall be recorded by the supervisor on the form and returned to the employee.

Floating holidays should be recorded on the employee time sheet with special notation as "floating holiday". It is each Department Head's responsibility to keep track of floating holidays taken each year by their employees.

Section 4: Vacation Leave

An employee hired before the first day of the pay period of the month (1st-15th) shall accrue vacation leave for that month. An employee hired after the first day of the pay period (16th-31st) shall accrue vacation leave for the following month. Employees shall not use vacation leave until he/she has successfully completed a standard probationary period.

Each Washington County full-time employee shall accrue vacation time at the following rates:

	<u>37.5 Hour Employees</u>	<u>40 Hour Employees</u>
Length of Service	Hours per month	Hours per month
Less than 2 years	6.25	6.64
2-5 years	7.50	8.00
5-10 years	9.38	10.00
10-15 years	11.25	12.00
15-20 years	13.13	14.00
20-25 years	15.00	16.00
25 years or more	16.88	18.00

Section 4A: Maximum Vacation Accrual

All employees who work 37.5 hours per week may accumulate up to a maximum of 225 hours of vacation leave. All employees who work 40 hours per week may accumulate up to a maximum of 240 hours of vacation leave. Qualifying vacation time earned in excess of the maximum limit may be transferred to sick leave by written authority granted by the Department Head and County Manager. (Note: Authority for conversion of vacation leave to sick leave was granted by resolution of the County Board of Commissioners on April 16, 1995.) The converted time will be used in the same manner as accrued sick leave and may apply to authorized sick leave. Any unused converted sick leave may be counted toward retirement to the same extent as regular sick leave.

Washington County employees will be compensated for a maximum of 225 hours of vacation at time of separation from the County.

Vacation leave will not accrue while an employee is on leave of absence without pay. Accrued and unused vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals.

Section 4B: Vacation Upon Separation of Employment

Upon resignation or retirement from County employment, an employee shall be paid cash at the normal rate of pay for his/her unused annual leave, provided regular status has been attained.

An employee whose employment is terminated prior to completion of his/her probationary period has accrued vacation time but is not entitled to payment for unused vacation time.

If the employee retired or resigned, such employee thereupon shall be entitled to a sum of money equal to his/her former regular compensation for any earned vacation leave time which has not been used.

Section 4C: Department Transfer

If an employee transfers from one department within the County to another, the vacation leave credits also transfer. Vacation credit earned by an employee cannot be transferred to another employee.

Section 4D: Temporary Employees

Temporary employees shall not earn vacation nor be entitled to vacation pay upon separation.

Section 4E: Vacation Approvals and Procedures

An employee must fill out a Request for Leave form when requesting to take vacation leave. All vacations shall be taken at times approved by the Department Head. The Request for Leave form must be signed by the Department Head.

Department heads are responsible for managing the vacation schedules in their departments and for administering the provisions of this policy.

The County Manager shall approve all vacation schedules for Department Heads.

Vacation approvals by Department Heads and by the County Manager shall be made only when the efficiency of the County operations will not be adversely affected.

Unless approved by the County Manager in writing:

- A Department Head and next ranking employee cannot take vacations at the same time.
- No more than three Department Heads can take vacations at the same time.

Section 5: Sick Leave

All Washington County regular full-time and regular part-time employees are entitled to sick leave. Regular full-time employees who work 37.5 hours per week accrue sick leave at the rate of 7.5 hours per calendar month of service. Regular part-time employees shall be granted sick leave on a pro rate basis for each calendar month of service. Regular full-time employees who work 40 hours per week accrue sick leave at the rate of 8 hours per calendar month of service. There is no maximum limit of accrued unused sick leave for employees.

No sick leave will be given to an employee in excess of the amount earned and available to the employee.

Section 5A: Sick Leave Upon Separation and Reinstatement

Accrued sick leave shall be canceled upon termination of employment. In the event any person having accrued sick leave ceases to be employed by the County and is thereafter re-employed within one year of the date of termination, accrued sick leave of the employee shall be reinstated. If re-employment occurs more than one year of the termination date, accrued sick leave of the employee is not reinstated and the employee has to accrue sick leave in the same manner as if a new employee.

Section 5B: Sick Leave Uses

Employees entitled to sick leave may remain away from work with pay where such absence is the result of personal illness, physical incapacity not job connected, sickness of an immediate family member, involuntary or enforced quarantine. Sick leave may also be used for accidents, doctor or dental appointment for yourself or an immediate family member, maternity leave or family emergencies.

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

Section 5C: Sick Leave Notice

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

A full-time employee who is on sick leave for a period of five days or longer may be required to provide a note from a medical doctor.

Section 5D: Exhausted Sick Leave

An employee may use vacation leave when sick leave is exhausted. Earned sick leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

Section 5E: Responsibility

It is the responsibility of each Department Head or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretations of the utilization of sick leave.

Department Heads will ensure that any sick leave used will be reflected with the submission of time sheets.

It is the responsibility of the Finance Office to ensure that proper accountability of sick leave is kept on all employees. This shall include keeping a record of accruals and utilization.

Section 6: Sick Leave Sharing

The County Manager may permit a regular full-time or regular part-time employee to receive sick leave donations from other qualified employees if:

- The employee suffers from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to:
 - Go on leave without pay status or
 - Terminate County employment
- The employee's absence and the use of shared sick leave are justified
- The employee has depleted or will shortly deplete his or her annual vacation leave and sick leave reserves
- The employee has abided by all personnel rules regarding sick leave

The County Manager shall determine the amount of sick leave, if any, an employee may receive. However, an employee shall not receive, in donations, a total of more than seven hundred and twenty hours of donated sick leave.

Donated sick leave shall be utilized in the order of receipt by the County Manager. Such leaves shall be donated in increments of seven and one half hours or in increments of the amount of hours worked in one regular shift by departments working other shifts.

An employee who has accrued a sick leave balance of more than 160 hours may request that the County Manager transfer a specified amount of sick leave to another employee authorized to receive sick leave. In no event may the employee request a transfer of an amount of sick leave that would result in his or her own leave going below 160 hours.

Sick leave sharing form must be filled out, signed by the donator, Department Head, and approved by the County Manager.

The amount of sick leave time transferred which remains unused shall be returned to the employee or employees who transferred the leave when the County Manager finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred.

Section 7: Transferring Vacation and Sick Leave from Another Employer

When a person becomes a new employee of Washington County, vacation leave and sick leave from the previous employer may be credited to the employee if:

- a) The new employee is transferring the leave from a State or Local Government agency **and**
- b) The new employee was a participant in the State Employee's Retirement System or the Local Government Employees Retirement System at their previous employer **and**
- c) The new employee provides official documentation of the vacation and/or sick leave balance from their previous employer within 20 business days after the date of hire.

The maximum vacation leave accepted by Washington County is 75 hours. The maximum sick leave accepted by Washington County is 225 hours. All vacation leave transfers must be approved by the County Manager.

Section 8: Jury/Court Leave

Any regular full-time or regular part-time employee who is required to serve on a jury, or as a result of official County of Washington duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. A probationary employee called will have his/her probationary period extended to by the same amount of time as required for serving on jury duty. An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The County reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

The employee is responsible to turn over jury or witness fees to the Finance Department, excluding mileage fees.

Time away will not affect vacation or sick leave accruals.

Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation leave. Court payments for travel expenses are to be retained by the employee.

The employee may keep any court payment for services performed on the days of his/her regularly scheduled weekend or performed while on vacation leave.

Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

Section 9: Family and Medical Leave Act (FMLA)

As provided by the Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for family and medical reasons specified by said law. An employee shall be eligible for 12 weeks of unpaid leave during a 12 month period for family and medical reasons if he/she meets the criteria set forth by law in the FMLA.

Section 9A: Serious Health Conditions

A serious health condition shall be as set forth under the FMLA as an illness, injury or impairment, or physical or mental condition that involves any period of incapacity.

Section 9B: Calculation of Leave

Washington County will use a rolling 12 month period measured backward from the date an employee uses FMLA leave. Each time an employee uses FMLA leave, the County computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of FMLA leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

Section 9C: Maintenance of Benefits

An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued working. If the employer pays the entire premium for the employee, it must continue to do so. If the employer pays any portion of family coverage, it must continue to do so. The employee is responsible for paying any portion of the premium he/she is normally required to pay, even if on unpaid leave. This payment shall be made either in person or by mail to the Finance Office by the 1st of each month. If the employee's payment is more than 30 days overdue, the coverage will be dropped by the County. If an employee informs the County that he/she does not intend to return to work at the end of the FMLA leave period, the County's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount the County contributed towards the employee's health insurance during the leave period.

Section 9D: Job Restoration

An employee who uses FMLA leave under this policy will be restored to the same job or an equivalent job with equivalent pay, benefits, and other employment terms upon return.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the County may choose to exempt certain highly compensated “key” employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. The County will inform these “key” employees of its intention at the time FMLA leave is requested. A “key” employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the work site.

Section 9E: Use of Paid and Unpaid Leave

FMLA leave is unpaid, but FMLA leave may run concurrently with accrued sick leave, vacation leave and/or compensatory time off. If an employee has accrued sick, vacation or compensatory time, they may choose to use them to get paid during the FMLA leave period.

If an employee has accrued paid leave of less than 12 weeks, the employee may choose to use paid leave first and take the remainder of the twelve weeks as unpaid leave.

No vacation or sick leave shall be accrued while an employee is on FMLA leave.

Section 9F: Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent use of the twelve weeks of family or medical leave or a part of a reduced work week may be allowed by the County. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee’s Department Head and County Manager.

Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the County’s operations. This provision is subject to the approval of the health care provider.

In some cases, the County may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced scheduled.

Section 9G: Procedures for Requesting FMLA Leave

All employees requesting leave under this policy must notify the Department Head and Human Resources Specialist 30 days in advance when the need for FMLA leave is foreseeable. All employees must request the FMLA leave either the same day or the next business day when the leave is unforeseeable. These notice requirements apply both to traditional FMLA leave and military caregiver leave. Notice of the need for qualifying exigency leave must be as soon as practicable.

The County may delay the start of leave for an employee who fails to provide timely notice of the need for FMLA leave without a reasonable excuse. When an employee requests leave for a planned medical treatment, the employee must consult with the Department Head before scheduling the treatment in order to work out a schedule that meets the needs of both employee and the County, subject to the approval of the health care provider.

Washington County must notify an employee that he or she is eligible for FMLA leave within 5 business days after receiving a request for FMLA leave or within 5 days of acquiring knowledge that an employee is absent for an FMLA-qualifying reason. The County's notice of eligibility shall be in writing. If an employee who has requested FMLA leave is not eligible, the eligibility notice must give at least one reason why the employee is not eligible (for example, the employee has not yet worked for the County for 12 months)

At the same time that the County notifies an employee that he or she is eligible for FMLA leave, it must also give the employee a notice that details the specific rights and the specific expectations and obligations of the employee on FMLA leave. The notice is DOL form WH381.

Section 9H: Certification of Serious Health Condition

The County shall require the employee to provide medical certification of the need for FMLA leave for the employee's or for the immediate family member's serious health condition by a qualified health care provider. The County must request the certification in writing within 5 business days. The employee should provide the certification to the County within 15 calendar days. If the employee does not return the certification within the 15 calendar days, the employee loses his or her right to FMLA leave and to return to the same or a substantially equivalent job. It would not be a violation of the FMLA to either deny FMLA leave or to fire an employee who has not returned a medical certification after 15 days.

The County is entitled to a complete and sufficient certification. For a certification to be complete, all of the applicable entries must be filled out. A complete certification may still be insufficient if the information provided is vague, ambiguous or non-responsive. If the County receives an incomplete or insufficient certification, it must advise the employee in writing that additional

information must be provided. The employee has 7 calendar days to provide the required information. FMLA leave may be denied to any employee requesting leave who fails to return a medical certification or who fails to return a complete and sufficient certification after being given 7 calendar days to resubmit it.

If necessary, the County may ask for a second opinion. The County will pay for the employee to get a certification from a second doctor, which the County will select. If there is a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. The County and the employee will jointly select the third doctor, and the County will pay for the opinion. The third opinion will be considered final.

Section 9I: Designation Notice

Once the County has received a completed medical certification form, or otherwise has acquired enough knowledge to determine whether the employee is entitled to FMLA leave, the County must give the employee a separate Designation Notice advising the employee that the leave is being designated FMLA leave within 5 business days. The Designation Notice must include:

- Whether accrued paid leave/comp time will be substituted for unpaid leave
- Notification that the employee must provide a fitness-for-duty certification before returning to work
- A list of the employee's essential job functions, if the fitness-for-duty certification must address the employee's ability to perform essential job functions
- Notice of the amount of leave that will be counted against the employee's FMLA entitlement

Section 9J: Qualifying Exigency Leave under the FMLA

Under the FMLA, Washington County will grant up to 12 weeks of leave for certain qualifying exigencies to employees whose spouse, child of any age or parent is a military service member under a call or order to Federal active duty in support of a contingency operation. This only applies to members of the Army Reserve and National Guard. Qualifying exigency leave is designed to give employees time to deal with some of the informational, financial and child-related issues that arise when a family member is called to or on active duty. Washington County will require certification of qualifying exigency. The timeline for requesting qualifying exigency leave and for obtaining certification are the same as the traditional FMLA policy.

An employee may not take more than a combined total of 12 weeks of traditional FMLA leave and Qualifying Exigency leave within any one year. In all other respects, Qualifying Exigency FMLA leave is subject to the same rules as other forms of FMLA leave. Accrued paid leave may be substituted for unpaid Qualifying Exigency FMLA leave, medical certification forms may be

required, and health insurance benefits must be continued under the same terms as if the employee were actively at work and the employee's job is protected during any period of Qualifying Exigency FMLA leave.

Section 9K: Military Caregiver FMLA Leave

- 1) FMLA eligible employees may take up to 26 weeks of leave in a 12 month period to care for a family member who is a current member of the armed forces and who has been injured or became ill in the line of duty.
- 2) The military service member for whom the employee will care must have a serious injury or illness incurred in the line of duty on active duty that makes him/her medically unfit to perform the duties of his or her office, grade or rating
- 3) The military service member must also be undergoing medical treatment, recuperation or therapy, be otherwise in outpatient status, or be otherwise on the temporary disability retired list.
- 4) The family members who can take military caregiver leave are:
 - a) Spouse
 - b) Son or daughter includes foster and step children, legal wards or any child for whom the service member stood in loco parentis
 - c) Parent includes foster and step-parents and any other person who stood in loco parentis to the employee
 - d) Next of kin – brother/sister, grandparent, aunt/uncle, first cousin, another person designated as next of kin
- 5) Notification and Certification of Military Caregiver Leave
 - a) Notice provisions are the same as for traditional FMLA leave
 - b) The County shall require certification from the following providers of the military service member:
 - a. DOD providers
 - b. VA providers
 - c. TRICARE network and non-network authorized private providers
 - c) Timeframes are the same as for traditional FMLA leave
 - d) The County must accept DoD Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) in lieu of a certification form.
- 6) Amount of Military Caregiver Leave Allowed
 - a) Limit of one-time per service member per injury
 - b) Total of 26 workweeks of combined FMLA, qualifying exigency and military caregiver leave in any 12 month in which an employee takes military caregiver leave.
 - c) The 12 month period begins on the first day that an employee

takes military caregiver leave and ends 12 months later

In all other respects, Military Caregiver FMLA leave is subject to the same rules as other forms of FMLA. Accrued paid leave may be substituted for unpaid Military Caregiver FMLA leave, medical certification forms may be required, and health insurance benefits must be continued under the same terms as if the employee were actively at work and the employee's job is protected during any period of Military Caregiver FMLA leave.

Section 10: Leave Without Pay

Requests for leave of absence without pay shall be made in writing and shall specifically state the reasons for the request, the date desired to begin the leave and the date of return. The request shall normally be submitted by the employee to the affected Department Head. The Department Head shall recommend to the County Manager whether the request should be granted, modified or denied. The County Manager shall then make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and federal laws.

Requests for medical leave must be accompanied by documentation from the employee's attending physician and follow all guidelines under FMLA procedures. All leave requests, medical and non-medical, should be given to the Department Head for approval. Approved requests will be forwarded to the County Manager for review and approval.

Section 10A: Leave Usage

The County Manager may grant a full-time regular employee a leave of absence without pay up to 90 days for non-medical purposes. Non-medical leave is unpaid leave time for career advancement or personal or family situations not covered under FMLA. Such leaves may be granted after vacation accrual has been exhausted. Sick leave accruals may not be used for non-medical leaves.

Medical leave without pay may be granted for a period of up to 24 weeks. 12 weeks would fall under FMLA leave and the County will grant up to an additional 12 weeks of medical leave without pay in certain medical situations. Medical leave without pay may be used for disability/illnesses (including maternity-related disabilities) which extend beyond the period of accrued sick leave. Vacation accruals may also be used before starting an unpaid medical leave after sick leave accruals are exhausted.

Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have critical personal situations only.

Upon extenuating circumstances, the County Manager may grant an extension of a leave period upon written request by the employee. Such extension may not exceed 12 additional weeks and will be based on departmental as well as employee considerations.

Section 10B: Benefits

No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay. The employee's anniversary date shall be adjusted to reflect the length of the absence for the purposes of computing longevity.

An employee on an approved leave of absence may continue his/her medical, dental and vision insurance coverage by paying the full cost to the County in advance for each month or portion thereof of which he/she is absent. The payment will be due to the Finance Office on the 1st day of each month of coverage.

Section 10C: Returning to Work

Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position in terms of duties, status, benefits and salary.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

Section 11: Military Leave

Washington County is obligated to release employees for service with the United States Armed Forces, National Guard, Coast Guard or Reserves when the employee participates in:

- Annual training
- Active duty training
- Inactive duty training assemblies
- Extended leave of absence for voluntary active duty service
- Involuntary call-up

Employees on military leave of absence shall not lose seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.

The County will grant military leave with pay to the employee for absences not exceeding 15 calendar days per year. The County will not require the employee to use accrued vacation leave for such purposes. The employee may request

use of vacation leave, compensatory time, or leave without pay to supplement absences exceeding those covered by the 15 day military leave allowance.

Washington County will stop all contributions to an employee's 401(K) when they are on Military Leave. However, it is mandatory that when the employee returns from leave, Washington County contributes the total amount that would have been contributed for the duration of the Military Leave.

Section 11A: Job Reinstatement

An employee who is called to or volunteers for service is eligible for reinstatement in his/her position upon completion of service, providing that the period of service is four years or less. The County will make a reasonable effort to adjust work schedules and assignments to accommodate employees fulfilling military obligations.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee. Upon such return, a promoted employee is restored to his/her original position or an equivalent position. A replacement employee is subject to layoff if no other position is available.

Section 11B: Employee's Responsibilities

The employee is responsible for providing their department head copies of all military orders which will result in a military leave of absence. Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

Inactive duty training dates (weekend drills) should be provided to the department head as soon as available if the dates conflict with scheduled employment with the County.

Section 11C: Procedures

All military leaves will be processed via the Personnel & Payroll Action Form. Military leave (15 calendar day military leave allowance) will be accounted for in increments of 24 hour periods (from 0001 to 2400 hours.)

It is the responsibility of the official verifying timesheets in each department to annotate the use of military leave on the employee's monthly timesheet. Military leave will be recorded on the timesheet by use of the letters ML.

The Finance Office is responsible for the creation and maintenance of an annual Military Leave Register for each affected employee to ensure accurate accountability of leave expended.

Article VII: Employee Conduct

Section 1: Employee Conduct

It is the duty of all Washington County employees to maintain high standards of cooperation, efficiency and integrity in their work with the County. If an employee's conduct falls below standard, he/she may be subject to disciplinary action.

Some general things for which an employee may be disciplined include, but are not limited to:

- Reporting to work under the influence of intoxicants or nonprescription/illegal drugs, or using such substances while on County property.
- Failure to follow the orders of one's supervisor(s).
- Being absent from work without permission or failure to report to the supervisor or Department Head when one is absent.
- Being habitually absent or tardy for any reason.
- Failure to perform assigned work in an efficient or effective manner.
- Being wasteful of material, property or working time.
- Inability to get along with fellow employees so that the work being done is hindered and not up to required levels.
- Failure to observe property security procedures.
- Conduct on the job which violates the common decency or morality of the community.
- Commission of a felony or gross misdemeanor.
- Violating safety rules and regulations.
- Speaking critically or making derogatory or false accusations so as to discredit other employees or supervisors.
- Removal of County money, merchandise, or property, including property in custody of the County without permission.
- Lying to supervisors in connection with your job.
- Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements when applying for employment.
- Being on County premises during nonworking hours without permission.
- Divulging or misusing confidential information, including removal from County premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
- Accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the County.
- Inability or unwillingness to perform the assigned job.
- Falsification of time records for payroll.

- Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.
- The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a County employee.
- Violating the Personnel Policy

Section 2: Expectation of Ethical Conduct

The operation of County government requires that public officials and employees be independent, impartial and responsible to the citizens; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.

Section 3: Disciplinary Action

It shall be the policy of the County to administer discipline fairly, reasonably and impartially. Employees and the County are best served when discipline is administered to correct actions rather than to punish. All disciplinary actions involving suspensions without pay or termination require approval of the supervisor, Department Head and County Manager with the exception of the Sheriff, Detention and Communications departments which require approval of the Sheriff.

The tenure of County employees shall be based on reasonable standards of job performance and personal and professional conduct. Failure or refusal to meet these standards shall constitute just cause for disciplinary action including oral or written reprimand, suspensions, demotions and dismissal.

Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of County service. The nature and severity of the offense and the employee's prior record shall be considered.

In any disciplinary action, the pertinent information shall be reviewed with the employee specifying the following:

- Cause for discipline
- Specific reasons supporting the cause
- The discipline to be imposed
- The effective date
- The right of the employee to be heard

Employees may be disciplined for areas detailed in the policy on Employee Conduct. The degree of discipline administered will depend on the severity of

the infraction and shall be in accordance with any applicable County policies and procedures as well as local, state or federal laws and regulations. It is the responsibility of each supervisor and department head to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

Section 3A: Types of Disciplinary Actions

- 1) Oral Warning
 - a. Applied to infractions of a minor degree or in situations where employee's performance needs to be discussed
 - b. Given in private by supervisor
 - c. Supervisor shall inform employee that the supervisor is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected the person will be subject to more severe disciplinary action
 - d. Notation that an oral warning was given should be made in the employee's personnel file

- 2) Written Warning
 - a. Issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file
 - b. Must be issued within 10 days after the occurrence of the violation
 - c. Shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline
 - d. Copy of the written warning is to be handed to employee at the time of discussion of the discipline. Employee shall sign the written warning to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgement, then the supervisor and one other witness shall note on the warning that the employee received a copy and refused to sign.

- 3) Suspension
 - a. Administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, suspension is often given after the employee has received a written warning.

- 4) Suspension without pay
 - a. When the offense is of a serious enough nature usually sufficient for discharge but when circumstances related to an employee's overall performance would not warrant immediate discharge.
 - b. Length should not exceed 15 work days.

- 5) Investigatory suspension

- a. Used in cases where it is necessary to investigate a situation to determine what further disciplinary action may be justified.
- b. Gives the supervisor the opportunity to discuss the problem with his/her superior to determine an appropriate course of action.
- c. If after investigation, the employee is determined not guilty of any violation, he/she will normally be returned to his/her position, paid for any lost time and a letter exonerating the employee will be placed in his/her personnel file.
- d. If the employee is found guilty of violation, the appropriate disciplinary action will take effect on the date that the investigatory suspension began.

6) Suspension with pay

- a. At the discretion of the County Manager, an employee of the County may be suspended with pay and benefits pending investigation of allegations of misconduct when the nature of the allegation compromises the ability of the employee to perform his/her duties and when a substantial period of time will be required to complete an investigation or legal action.
- b. Such suspension is not disciplinary action and may not be appealed.
- c. If charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense, and may include recovery of salary and benefits paid during the suspension.
- d. If charges are unfounded, employee will be restored to duty and a letter of exoneration will be placed in the employee's personnel file.

7) Demotion

- a. May be used in instances where an employee has been promoted to a position where they are unwilling or unable to perform the responsibilities of that position.
- b. Not to be used as a substitute for dismissal, when dismissal is warranted.

8) Discharge

- a. Immediate removal of an employee from the job site pending review for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the County Manager.
- b. An Employee may also be discharged after repeated offenses of a less serious nature if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.
- c. Probationary employees may be terminated at any time without cause and without the right of appeal. Notification of dismissal in

writing shall be provided to the probationary employee and a copy filed in his/her personnel file. Dismissals of probationary employees also require the concurrence of the supervisor, Department Head and County Manger.

- d. The original copy of the disciplinary action is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee.

Section 3B: Appeals

Warnings, reprimands and suspensions without pay may be appealed. To appeal a disciplinary action taken by a supervisor, the employee must present a written appeal to his/her immediate supervisor within 10 working days of the disciplinary action.

If a resolution cannot be reached at this level, a copy of all relevant information should be presented to the Department Head who shall attempt to resolve the matter within 5 working days after it is presented to him/her. If the Department Head is unable to resolve the situation, a final appeal can be made to the County Manager. The County Manager shall attempt to resolve the appeal within 5 working days after it has been presented to him/her. The decision of the County Manager shall be final.

If the County Manager issued the initial disciplinary action, any appeal shall be in the form of a request for reconsideration. The County Manager shall respond to such request within 5 working days and the decision remains final.

Exempt Department Heads shall be governed by the "Employment at Will" doctrine. In all other cases, this policy and procedure shall apply.

Pre-disciplinary Hearing – Standards/notice of discipline.

- 1) The Human Resources Specialist shall provide and arrange for a pre-disciplinary hearing prior to the demotion, suspension or discharge of any employee.
- 2) An employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the proposed action should not be taken.
- 3) The employee may have legal counsel present at a pre-disciplinary hearing.
- 4) The department's explanation of the evidence at the pre-disciplinary hearing shall be sufficient to appraise the employee of the basis for the proposed action. This shall not limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the pre-disciplinary hearing.

- 5) Should the appointing authority determine to discipline following the pre-disciplinary hearing, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the findings of the hearing.
- 6) There is no appeal from a determination following a pre-disciplinary hearing.

Section 4: Harassment

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment or interferes with or adversely affects a person's work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

Section 4A: County Policy

It is the policy of the County that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. It is County policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where:

- (1) Submission to such conduct is made either explicitly or implicitly a term of condition of employment
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals
- (3) Such conduct had the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

It is the right of all employees to seek, at any time, redress by the State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law; however, employees are encouraged to exhaust the County's Administrative remedies before consulting outside agencies.

Section 4B: County Procedure

- 1) In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the reporting procedure.
- 2) An employee subjected to any form of harassment should report such activity to his/her non-involved supervisor, department head, Human Resources Specialist, or directly to the County Manager.
- 3) A supervisor is required to report harassment cases to his/her Department Head, who, in turn, is required to report the matter to the Human Resources Specialist. Such reports to superiors and to the Human Resources Specialist are to be made regardless of how knowledge of the case was acquired.
- 4) The Human Resources Specialist shall investigate and submit to the Manager a report setting forth the facts of the case and a recommendation for action.
- 5) The results of the investigation and the nature of the disciplinary action will be communicated by the Manager's Office to both the complainant and the offender as well as the affected Department Head. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

Any employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, up to and including termination.

Section 5: Lobbying Before Legislative Bodies

In order to assure that the official policies of Washington County are expressed during appearances before legislative bodies or other governmental agencies, the following policies will apply:

- a) All testimony or statements, written or oral, given by an employee of the County before any governmental legislative body or other governmental agency shall strictly comply with the policies set forth by the County Commissioners, action by a motion, resolution or ordinance.
- b) When there is a lack of formal action by the Commissioners, written authorization must be obtained from the County Manager prior to any activity by an employee of the County.
- c) The policies expressed in this policy shall also apply to any correspondence written on County or departmental stationary, any email sent from a County email address and to any verbal conversation when the speaker represents himself or herself as an employee of the County.
- d) Items a, b and c apply to all employees during normal working hours except that any written statement on County or departmental stationary

and any email sent from a County email address apply at all times. Any employee who appears before any governmental legislative body or any agency during hours other than working hours will not represent themselves as employees of the County unless all information given is in compliance with this policy. If during the course of an appearance or verbal interchange, the fact emerges that the person is an employee of the County, then a disclaimer will be issued that the information or testimony given represents the views of the employee and not that of the County. If information or testimony is given that is contrary to official policies of the County, then a statement to that effect will be given if the person has been identified as an employee of the County.

All employees lobbying for the County will comply with any and all state requirements.

A violation of this policy procedure could result in disciplinary action.

“Lobbying” means attempting to influence the passage or defeat of any legislation on the adoption or rejection of any rule, standard, rate or other legislative enactment that will or could have any impact on the County.

Section 6: Political Activities

The purposes of this policy are as follows:

- 1) To foster governmental efficiency and to ensure that employees can perform their jobs without being pressured to support specific Commissioners or other political candidates or to interpret regulations favorably for supporters of such candidates
- 2) To allow employee performance and advancement to be judged without regard to prior political activity
- 3) To promote public confidence in the integrity of County government to the end that Commission Members will not be perceived as making decisions on the basis of political loyalties

Section 6A: Prohibited Activities During Working Hours

An employee shall be subject to discipline up to and including immediate termination for violation of these provisions:

- 1) No officer or employee shall, while on duty during an assigned work shift as an employee of the County:
 - a. Request or solicit contributions or anything of value for any political candidate or cause
 - b. Participate in any political campaign by speaking in favor of any candidate or cause, distributing literature, picketing or demonstrating on behalf of or in opposition to any political

- candidate or cause, or organize, plan or in any other way participate in the administration of any political campaign
- 2) No officer, employee or volunteer shall, while on duty and/or in the uniform of the County, or while in or operating any County vehicle, display any badge, button, sign or sticker promoting or opposing any political cause or candidate.
 - 3) No officer or employee of the County shall use public funds, property or any other instrumentality or thing of value belonging to the County to promote or oppose any political cause or candidate
 - 4) Nothing in this policy shall be interpreted to prohibit an employee:
 - a. From stating any opinion regarding any political issue in ordinary conversation during working hours providing that such a conversation does not interfere with the employee's assigned job duties
 - b. Who does not have direct citizen contact from wearing a pin or button promoting or opposing any cause or candidate

Section 6B: Coercion and Intimidation of Public Employees

No officer or employee of the County shall use his or her public office or employment for the purpose, or with the effect of:

- 1) Coercing or intimidating any County employee or employees with respect to contributing to, opposing or promoting, or refraining from contributing to, opposing or promoting any political cause or candidate
- 2) Obtaining a benefit as a result of any political activity by:
 - a. Intentionally committing an unauthorized act under color of law
 - b. Intentionally refraining from performing a duty imposed upon him by law

Section 6C: Illegal Political Activities

No officer or employee of the County shall engage in any political activity which is prohibited under state or federal law. Any person engaging in such an activity shall be subject to disciplinary action, including immediate termination. The following list of activities is included for illustrative purposes. Any illegal activity which is prohibited by state law but which fails to appear on this list is hereby incorporated by reference. No officer or employee shall:

- 1) Engage in any of the following activities within 300 feet of a polling place:
 - a. Electioneering
 - b. Circulating cards or handbills
 - c. Soliciting signatures
 - d. Interfering with voting or the administration of the polling place
 - e. Conducting an exit or public opinion poll
- 2) Obstruct or prevent access to a polling place
- 3) Remove a ballot from a polling place or solicit a voter to show his or her ballot

- 4) Attempt to intimidate, influence or bribe a voter by menace, force, threat or corrupt means
- 5) Directly or indirectly offer a bribe or reward to induce a voter to vote for or against a person or proposition
- 6) Attempt to influence a voter to vote or not to vote, directly or indirectly, by menace or corrupt means
- 7) Hinder, disturb, persuade, threaten or intimidate any person from giving his or her vote
- 8) Knowingly and willfully make a false assertion or propagate a false report concerning a candidate which has a tendency to prevent his or her election
- 9) Give a bribe or thing of value to secure a vote or solicit or bribe, or offer any preference or other valuable consideration to give or refuse a vote

Section 6D: Federally Funded Programs

In addition to this policy, an officer or employee whose position is funded totally or primarily with federal funds shall be governed by the rules established by the United States Civil Service Commission and/or the Officer of Personnel Management. Any person who administers federal funds under a contract which limits the political activities of the administrator or which incorporates US Civil Service rules shall comply with those provisions. Failure of any officer or employee to comply with applicable restrictions imposed by such a grant or contract shall be subject to disciplinary action, up to and including immediate termination.

Section 7: Personal Appearance

It shall be the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient and helpful.

County employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the County's image.

The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the County.

Section 8: Personal Telephone Calls

County phones are to be used for County business and may be used for personal business on a limited basis only.

Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

It is the employee's responsibility to ensure that no cost to the County results from their personal telephone calls.

Violation of this policy will minimally result in cost reimbursement to the County and may subject the employee to disciplinary action.

Section 9: Smoking Policy

The purpose of this policy is to respond to the increasing evidence that tobacco smoke creates danger to the health of persons who are present in a smoke-filled environment and to establish County policy to regulate the use of smoking materials by County employees while on duty. Every attempt will be made to obtain to the greatest extent possible, freedom for the nonsmoker from the harmful effects of smoking materials, while preserving a reasonable degree of freedom for those who choose to smoke.

"Smoke" or "smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar or cigarette. Smoking will be restricted to designated areas as established by the County Smoking Ordinance. Areas designated for smoking may change from time to time to meet the needs of the County and desires of its employees and the public. In the event there is a conflict about the establishment of a smoking area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supercede the right to smoke.

Signs prohibiting smoking shall be conspicuously posted in every facility and major work area where smoking is prohibited. Ashtrays will not be kept in nonsmoking areas. Ashtrays will be made available in the designated smoking areas and are to remain in the designated areas at all times.

Smoke breaks are to be confined to the affected employee's lunch period or rest break.

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so. Smokers must consider the health concerns and comforts of their nonsmoking co-workers and nonsmokers must consider the freedom of choice of the smoker. It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see that the policy is applied in an equitable manner and adhered to by all employees.

Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the County's progressive discipline procedures.

Section 10: Substance Abuse Policy

Employees and the County have a mutual obligation to ensure a safe and healthy work environment. This policy is instituted to assure that the workplace be free of employees whose job performance may be impaired by the abuse of drugs and/or alcohol. Washington County recognizes that drug and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation. It is recognized that the consumption of alcohol or drugs to the point that employees are unable to perform their jobs safely and effectively cannot be tolerated.

When an employee has placed themselves in a situation where their ability to perform their job is impaired by drugs or alcohol, it is the responsibility of the employee and/or supervisor to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public. The County recognizes employee concerns of personal privacy.

Section 10A: Random Drug Testing

The County may require random drug testing of safety-sensitive positions because they have a compelling interest in protecting against the potential threat to the safety of the public or other employees that is posed by a gun-toting law enforcement officer on drugs or a 10-ton sanitation truck driver on drugs.

Section 10B: Procedure and Disciplinary Actions

In the event there is a reasonable suspicion that an individual employee's job performance may be impaired by drugs or alcohol, the employee's supervisor will question the employee. The County can relieve the employee of his or her duties and require the employee to take a drug or alcohol test. Failure of an employee to take the test may be cause for disciplinary action. The test must be administered within a reasonable time period after observed or suspected behavior.

If the test is negative, the employee will have no loss of pay or benefits and will be returned to work. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the County may require the employee to undergo medical evaluation.

If the test is positive, the employee may be terminated depending upon the circumstances of the situation. Circumstances that would warrant an immediate termination would include incidents where the employee's impairment resulted in loss of life, serious injury to self or other, the serious loss or damage of property or an incident of parallel magnitude.

In cases where immediate termination is not warranted, the employee will be placed on a rehabilitation leave status where they may use accrued sick leave. The employee shall be evaluated and a recommended appropriate treatment shall then be arranged. Once the inpatient part of the program has been completed, the employee may be re-employed but only with a written release from a physician. Where it is prescribed by a physician and/or a treatment program, drug testing may be included as a part of that treatment program. An employee who is returned to work as provided for under this procedure who fails to comply with any of the terms of an agreed upon treatment and/or return to work agreement may be subject to the full range of disciplinary action, including termination.

An employee who is the subject of an investigation related to substance abuse may have a representative or another employee present during the investigative procedures outlined above. Disciplinary actions taken by the County under this procedure shall be subject to the Grievance Procedure.

The County may utilize both urine and blood tests for verification. The County shall pay for the costs of all tests and examinations carried out under this procedure. The County shall maintain confidentiality of test results to the best extent possible.

Section 11: Solicitations

With the exception of County-approved activities, peddling or soliciting for sale or donation of any kind on County premises during normal working hours is not allowed. Exceptions may be granted by the County Manager's Office.

Working hours include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed.

Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-working areas.

Section 12: Contributions and Honorariums

Speeches and presentations which are related to County services delivered by County employees to community and professional organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the County, not to the individual employee.

An honorarium or contribution for a speech or other presentation made by a County employee to a group outside the County, either during working time or for which the County provided travel expenses, will also be made to the County.

Such contributions and honorariums shall be turned over to the Finance Office for disposition.

Section 13: Whistle-blower Policy

The purposes of the Whistle-blower policy are to:

- 1) Encourage reporting by County employees of improper governmental action taken by County officers or employees
- 2) Protect County employees who have reported improper governmental actions in accordance with County policies and procedures
- 3) Act as a safeguard for legitimate employer interests
- 4) Provide for speedy dispute resolution

The County strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local laws. Accordingly, employees are encouraged to bring to the attention of the County any improper actions of County officials and employees. The County will not retaliate against any employee who makes such a disclosure in good faith and in accordance with the procedures set forth in this policy.

Improper actions are actions undertaken by an officer or employer in the performance of his or her official duties which:

- 1) Are in violation of any federal, state or local law
- 2) Constitute an abuse of authority
- 3) Create a substantial and specific danger to public health or safety
- 4) Grossly waste public funds

Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, firing and other discipline, or alleged violations of labor (collective bargaining) agreements, employment contracts or policies or procedures set forth in the County's policy manual.

Section 13A: Whistle-blower Procedure

- 1) Misconduct can often be corrected most expeditiously if handled internally. An employee who has a good faith concern that improper action has occurred or is about to occur, must first raise that concern with the County. Specifically, the employee must submit his or her concerns and related information (complaint) in writing to the County Manager. In the event that the complaint concerns the County Manager, the complaint shall be submitted to the County Attorney. The identity of a reporting employee will be kept confidential to the fullest extent possible under law, unless the reporting employee provides written authorization for disclosure. The employee may report under this policy through a union business representative or attorney.

- 2) The County shall have 10 working days to address the complaint raised by the reporting employee and provide the reporting employee with a written response which identifies the alleged improper action at issue, describes the scope and findings of the investigation, states what, if any, action will be taken against the offending officer(s) and/or employee(s), and explains why such action is appropriate.
- 3) If the reporting employee is not satisfied with the investigation and/or resolution of the complaint, the reporting employee may request reconsideration in writing within 5 working days of receipt of the County's written response. Written requests for reconsideration must be submitted to the County Manager or designee and must identify the specific elements of the County's investigation or written response which the reporting employee finds unsatisfactory. The County has 3 working days to advise the reporting employee in writing whether reconsideration will be granted. Any reconsideration will be limited to examination of the specific issues raised by the reporting party in his or her written request. The County will have 5 working days from the date reconsideration is granted to complete its additional investigation and provide the employee with a written response.
- 4) If a reporting employee is still dissatisfied with the County's investigation or response, the reporting employee may disclose the complaint to an outside agency or organization for further review. Reporting employees may disclose complaints to outside agencies only after fully exhausting the reporting and reconsideration procedures set forth in this policy. All reporting employees must strictly follow this policy. Employees who comply with the policy shall not be subject to discipline or discharge for reporting, disclosure, or other activities subject to the policy.
- 5) Deviation from the reporting and reconsideration policy is permitted only in those rare cases where the reporting employee can show that persons or property will be damaged if the alleged improper conduct is not immediately addressed.
- 6) Reporting employees who, after exhausting the internal reporting and reconsideration procedures, choose to continue to pursue their complaints should consider contacting one or more of the following organizations:
 - a. Office of the Attorney General
 - b. Office of the State Auditor
 - c. Regional Office of the Department of Housing and Urban Development, Attn. Regional Investigator General for Audits
 - d. Office of County Prosecutor

- 7) All County personnel are prohibited from taking any adverse employment action against an employee who registers a complaint with a public body in accordance with this policy.

Section 13B: Believed Retaliation for Reporting Improper Actions

If an employee believes there has been retaliation for reporting improper actions in accordance with this policy, the employee may seek redress as follows:

- 1) The employee must provide written notice of the charge of retaliatory action to the County Manager or designee within 30 days of the date the alleged retaliatory action occurred. The notice must describe the alleged retaliatory action and the persons allegedly involved and identify the relief requested.
- 2) The County Manager or designee must respond to the charge in writing within 30 days of its submission. The response must:
 - a. Identify the alleged retaliatory action and persons involved
 - b. Identify the relief requested
 - c. Describe the investigation conducted
 - d. State and explain the disposition of the charge
 - e. Identify the relief, if any, that is being granted and explain why the relief is appropriate
- 3) The charging party is entitled to a hearing if he or she so chooses. However, the hearing must be requested in writing within 15 days of delivery of the County's written response to the charge or, if the County fails to respond within the allotted 30 day period, within 15 days of the last day upon which the County could have responded.
- 4) Within 5 working days of receipt of a timely request for hearing, the County shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge.
- 5) Unless the administrative law judge extends the period, the judge shall issue a final decision no later than 45 days after the date the timely request for hearing was delivered to the County. The administrative law judge's decision is subject to court review.

Section 14: Internet and Technology Use

All employees shall follow the guidelines set forth in the County Internet and Technology Use Policy, a copy of which will be provided to each employee.

Article VIII: Separation

Section 1: Separation

Notification of all separations shall be given to the Human Resources Specialist in the Finance Office as soon as possible. All separations of employment shall be classified in the following types and shall be carried out as follows:

- **Retirement**
Service Retirement is voluntary termination after having satisfied the age and length of employment requirements of the applicable State Retirement System procedures for applying for retirement benefits as detailed in the Policy entitled "Retirement System." Employees are encouraged to submit their letter of retirement to the Finance office at least 90 days prior to their intended retirement date to ensure that all of the necessary paperwork be submitted to the retirement system in plenty of time for processing.
- **Employee Initiated Resignation**
Employee initiated resignation is voluntary termination for any reason other than formal retirement. An employee wanting to leave the County in good standing shall provide a written resignation letter to his/her immediate supervisor at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving as well as the proposed effective date. Two weeks notice is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement. Failure to provide two weeks advance notice shall result in a forfeit of accumulated vacation or personal leave time.
- **Supervisor Initiated Resignation**
Supervisor initiated resignation is termination requested by the supervisor which permits the employee to resign in lieu of being discharged. A termination of this type occurs only after the supervisor's consultation with the Human Resources Specialist. An evaluation of the circumstances is conducted, including reasons for the request, supporting documentation, and alternatives. Guidelines are similar to those for discharge.
- **Discharge**
Discharge is termination of an employee by the County. Refer to the Policy on "Disciplinary Action" for reasons of discharge.
- **Probationary Termination**
Probationary termination is discharge of an employee during the established probationary (introductory employment) period. A

probationary termination occurs only after the supervisor's consultation with the Human Resources Specialist.

- **Disability**

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited.

- **Layoff**

Layoff is termination of an employee by the County for lack of work, lack of funds, or other changes that have taken place. A reduction in force is accomplished in accordance with labor contracts and civil service rules, however, work schedules should be planned to keep periodic or recurring layoffs to a minimum.

In layoff, recall and filling regular job vacancies, the County shall give equal consideration to an employee's ability and performance of the duties required in the job and consideration to an employee's length of continuous service with the County in the classification. In applying this provision, where qualifications, experience and performance are equal, seniority shall govern. Every effort will be made for transfers to other departments when a position is open for which the employee qualifies.

The County shall provide an employee with at least 2 weeks advance notification prior to the layoff, except in case of emergency. An employee on layoff must keep the County informed of the address and telephone number where he/she can be contacted.

If the County is unable to contact the employee within 7 calendar days, the County's obligation to recall the employee shall cease. The County shall have no obligation to recall an employee after he/she has been on continuous layoff for a period which exceeds 1 year. Should an employee not return to work when recalled, the County shall have no further obligation to recall him.

Section 1A: Pay & Benefits upon Separation

Employees shall receive pay for work performed through the last hour worked. Separation pay shall be reduced by any authorized legal deductions, authorized

pension plan, credit union, and any other amounts specifically agreed upon orally or in writing by the employee and the County.

The official date of termination will be the last full day the employee reports for work.

Benefits continue through the time actually worked by the employee including any days “worked” from accumulated vacation and compensatory time. If such time takes the employee through the 16th day of the month, health, dental, life and vision insurances will continue through the last day of the month.

For those employees who are not retiring, monies accumulated in the employee’s retirement account are refundable. Forms required to request this refund are available in the Finance Office.

If an employee chooses not to use his/her vacation and/or compensatory time before the separation date, the employee will be paid for his/her accumulated vacation and/compensatory hours at his/her regular hourly rate. Vacation hours will be paid out at a maximum of 225 hours and compensatory time will be paid out at a maximum of 40 hours.

Article IX: Personnel Records

Section 1: Personnel Records

The Human Resources Specialist is responsible for establishing and maintaining an official personnel file for each employee of the County. Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned their department. Official personnel files are located in the Finance Office with copies found in the County Clerk's office. Separate personnel files shall not be maintained by individual departments.

Section 1A: Information to be Included in Employee Personnel Files

- a) Employee application/Resume
- b) Personnel Action Forms
- c) Job performance ratings and evaluations
- d) Employee Information Sheet
- e) Education/Training Information
- f) Insurance information
- g) Retirement and supplemental retirement account information
- h) Pay changes
- i) Time sheets
- j) Vacation/sick leave requests
- k) Any other information related to the job

Section 2: Public Information

The following information regarding each County employee is public record according to GS 153A-98:

- Name
- Age
- Date of original employment or appointment to the service
- Current position title
- Current salary (including benefits, incentives, bonuses and deferred and other forms of compensation)
- Date and amount of most recent increase or decrease in salary
- Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
- The office to which the employee is currently assigned

Any person may have access to this information for the purpose of inspection, examination, and copying during regular business hours. The person requesting the public information shall make a written request to the Human Resources Specialist stating his/her name and reason for the request. The Human

Resources Specialist shall provide the information to the employee about whom the request is made along with copies of any documents given to the person who made the request.

Section 3: Confidential Records

All information enclosed in a County employee's personnel file, other than the information that is public record, is confidential and shall be opened for inspection only in the following:

- 1) The employee or his/her authorized representative may examine all portions of his/her personnel file except letters of reference prior to employment and any information concerning a medical disability that a physician would not reveal to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) Any person may examine all material in the employee's personnel file if ordered by a Court of competent jurisdiction.
- 5) An official of an agency of the State or Federal Government may inspect all material of a personnel file when the County Manager believes it to be necessary. No information shall be revealed for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, the Human Resources Specialist may release the name, address and phone number from a personnel file in assistance of a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the Human Resources Specialist to release specified information to specified persons.

Section 3A: Penalty for Permitting Access to Confidential Records

Section 153A-98 of the General Statutes states 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 authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 3B: Examining and Copying Confidential Information without Authorization

Section 153A-98 of the General Statutes of North Carolina states that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 4: Records of Former Employees

The requirements for access to records apply to former employees as they apply to present employees. All information of former employees shall be kept in their files in the storage room of the Courthouse.

Section 5: Employee Access to Personnel File

Each employee is responsible for the verification of information contained in the personnel file through periodic audit. An administrative representative must be present when a file is audited. Only the Human Resources Specialist may remove items from the respective files with notification to respective Department Head. All audits or inspection of records by employees shall be scheduled by the Department Head. All audit appointments should be with the Human Resources Specialist. The purpose of the audit or inspection is to ensure accuracy and completeness of the file.

It is also the responsibility of the employee to notify the Human Resources Specialist immediately of any personal changes such as name, address, phone number, insurance changes, etc. so that the personnel file can be updated.

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

Section 6: Record Retention

All personnel records will be maintained through the tenure of employment and kept on file after separation. Documents in the personnel file will be kept according to time periods specified by the Record Retention guidelines found in the Finance Office.

Article X: Risk Management and Safety

Section 1: Employees Safety Committee

Washington County's Safety Committee is composed of at least one employee from each department. The Committee meets once a month. The purpose of the Committee and the meetings is to provide a mechanism to evaluate accidents, practices, resources, and issues and to make recommendations which promote and maintain a safe and healthy working environment for County employees, protect the public's resources and reduce County exposure to risk and loss.

Section 1A: Roles and Responsibilities

<u>Action By</u>	<u>Action</u>
County Manager	<ol style="list-style-type: none"> 1) Modifies Committee policy as necessary 2) Coordinates election of members 3) Reviews and evaluates findings and recommendations 4) Coordinates with Department Heads and Commissioners as needed to implement committee recommendations
Committee Chairman	<ol style="list-style-type: none"> 1) Sets meetings and agendas 2) Notifies members of meetings 3) Chairs meetings 4) Appoints subcommittees and task forces as needed 5) Reports findings and recommendations to the County Manager and Department Heads as appropriate 6) Follow-up on status of recommendations and implementation measures
Vice-Chairman	<ol style="list-style-type: none"> 1) Performs duties of Chairman in his/her absence
Committee Recorder	<ol style="list-style-type: none"> 1) Records and keeps minutes of the meeting 2) Receives and files Committee reports 3) Maintains attendance records
Safety Coordinator	<ol style="list-style-type: none"> 1) Serve as staff resource to Committee
Committee Members	<ol style="list-style-type: none"> 1) Attends meetings. Conduct business, including but not limited to the establishment of by-laws and operating procedures. Elects Chair, Vice-Chair and Recorder. 2) Makes findings and recommendations on, but not limited to: <ol style="list-style-type: none"> a) Unsafe working conditions or practices b) All accidents and incidents involving property damage of \$100 or more and/or employee time loss of more than 8 work hours c) Accident and illness prevention d) First aid training and equipment e) Liability and loss control measures 3) Reports findings and recommendations to member's department

Section 2: Safety Orientation/Safety Responsibility

All County employees are to receive a safety orientation at the beginning of employment. The safety orientation should be completed by the Department Head and the New Hire. The Department Head shall give a tour of the building and facilities and any equipment. The Department Head shall show the new employee the locations of all emergency exits, fire alarms, fire extinguishers and first aid kits. The Department Head should also review the department's emergency/fire evacuation route and procedures. The Department Head shall inform the new employee of any potential hazards on the job, how to use equipment safely, care and use of personal protective equipment, proper lifting techniques, etc. where applicable.

All employees are to report any accidents to his/her supervisor immediately.

Section 2A: Safety Responsibility

Washington County employee responsibilities are as follows:

- 1) Observe all County safety and health rules and apply the principles of accident prevention in day-to-day duties.
- 2) Report any job-related injury, illness or property damage to supervisors and seek treatment promptly.
- 3) Report hazardous conditions (unsafe equipment, floors, material) and unsafe acts to supervisors or safety committee representative promptly.
- 4) Observe all hazard warning and no smoking signs.
- 5) Keep aisles, walkways and working areas clear of slipping/tripping hazards.
- 6) Know the location of fire/safety exits and evacuation procedures.
- 7) Keep all emergency equipment such as fire extinguishers, fire alarms, fire hoses, exit doors, and stairways clear of obstacles.
- 8) Not report to work under the influence of alcoholic beverages or drugs nor consume them while on County premises.
- 9) Refrain from fighting, horseplay, or distracting fellow coworkers.
- 10) Remain in one's own work area unless authorized to do otherwise.
- 11) Observe safe operating procedures for all equipment that an employee is authorized to use.
- 12) Follow proper lifting procedures at all times.
- 13) Ride as a passenger in a vehicle only if it is equipped with a rider's seat.
- 14) Be alert to see that all guards and other protective devices are in their proper places prior to operating equipment.
- 15) Not wear frayed, torn or loose clothing, jewelry, or long unrestrained hair near moving machinery or other sources of entanglement, or around electrical equipment.

- 16) Actively support and participate in the County's efforts to provide a safety and health program.

Section 3: Safety and Accident Prevention

It is the responsibility of the Department Head or supervisor to maintain that safety procedures and rules are enforced. It is the responsibility of the employees to demonstrate safety practices at the workplace.

A safety bulletin board will be provided for the display of safety meetings, safety posters and other safety education material. Employees are encouraged to provide safety material for the safety bulletin board and safety meetings.

Section 4: First Aid

Valid first aid certificates are recognized as ones which are less than 3 years old. NOTE: Cardiopulmonary resuscitation (CPR) is required in addition to the regular first aid training, if a first aid course does not combine the two subjects.

There will be first aid training classes throughout the year open to all County employees. The Safety Committee representatives will notify employees of dates and how to sign up for such classes.

First aid kits will be in accordance with the requirements of the General Safety and Health Standards. Kits will be located in all buildings and all floors of buildings. Department Directors are designated to ensure the first aid kits are properly maintained and stocked.

Section 5: Safety Equipment

County employees must always use personal protective equipment when performing certain hazardous tasks or when in an unsafe environment.

Hard Hats: It is the policy of the County to require employees to wear hard hats at all times when in the field around construction and maintenance projects. At a minimum, however, hard hats shall be worn as follows:

- 1) During the operation of all equipment, including backhoe, loader and mower, street sweeper and ladder truck. When a ladder is being used, the ground person must wear hard hat.
- 2) When working below ground level, such as in lift stations, ditches, etc.
- 3) When conditions warrant and/or ordered to do so by a supervisor.
- 4) When working in a traveled right-of-way.

5) When inspecting construction sites.

Safety Harness: Shall be used when an employee enters a large clean out, storm manhole, sewer manhole, wet well, catch basin or jack hammer.

Steel-toes Shoes: (or toe protectors) Shall be used when using a jack hammer.

Safety Vest: Shall be worn when an employee is in flagging position and/or when working in a traveled right-of-way.

OSHA Safety Catch: Shall be used anytime an employee has to work under or adjacent to the gate of a raised dump truck bed.

Safety Glasses: Shall be worn when grinding, chipping, using air tools, driving backhoe or under conditions which warrant the supervisor to require safety glasses being worn.

All possible precautions must be taken by employees to avoid exposure to injury or illness to themselves or others.

Section 6: Emergency Conditions

The purpose of this policy is to establish guidelines for reporting to work in the event of emergency conditions including but not limited to adverse weather conditions.

County offices and activities shall remain open and in operation during established working hours. All employees should make every attempt to report for work on a timely basis. If employees are unable to report to work, the following criteria shall apply:

- 1) The employee is responsible for contacting his/her supervisor or Department Head by telephone to indicate anticipated absence from work or late arrival to work and the reason.
- 2) If an employee is unable to report to work, the absence may be charged as vacation leave, or the employee may elect to take this time off without pay.

Sick leave cannot be used to offset absence from work for pay purposes for other than sickness.

The County Manager shall be authorized to close County offices to protect the safety and welfare of County employees. In this event employees will receive full pay, and no vacation or personal leave allowances shall be affected.

Section 7: Driver's Licenses

An employee whose work requires that he/she drive County vehicles must hold a valid North Carolina State Driver's License. All new employees who will be assigned work entailing the operating of a County vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. Such checks shall be processed by the Finance Office. A report indicating a suspended or revoked license status for such employees may be cause to deny or terminate employment.

Periodic checks of such employee's driver's licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a County vehicle until such time as he/she obtains a valid license.

Any employee performing work which requires the operation of a County vehicle must notify his/her immediate supervisor in those cases where his/her license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. If an employee fails to report such an instance, he/she is subject to disciplinary action, up to and including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a County vehicle shall be subject to possible termination.

Section 8: Motor Vehicle Use on County Business

Section 8A: Use of County-Owned Motor Vehicles

- 1) County-owned motor vehicles shall be used for official County business only. A monthly Vehicle Log shall be kept in each County vehicle. Each time a County employee uses the County vehicle, the employee must document their name, the date, beginning odometer reading, ending odometer reading, mileage, department, and reason for the trip. At the end of each month, all Vehicle Logs will be given to the Deputy Finance Officer and a new log will be placed in each vehicle.
- 2) County vehicles shall not be taken home overnight except as follows:
 - a. Employees may take a County-owned vehicle home overnight when attendance to an out-of-County meeting takes place late at night after normal working hours or early in the morning prior to normal working hours.
 - b. Those employees designated by the Department Head to be "on 24-hour call" for department/division emergencies.
 - c. For more than one night when specifically authorized by the Manager.

- 3) Approval for Item 2)a. above may be granted verbally by the employee's Department Head.
- 4) Approval for 2)b. above must be requested in writing to the Manager and concurrence obtained in writing from the Manager.
- 5) County vehicles must be available for County business at all times.
- 6) County vehicles may be used for travel to lunch:
 - a. When an employee is on County business.
 - b. When an employee is in town in a County vehicle in a location where driving to obtain his/her personal car would result in an extra and unnecessary expenditure of fuel.
- 7) Transporting family members in County vehicles shall be allowed only when the family member is accompanying a County employee to a business meeting or official function.
- 8) County vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicles will be the responsibility of the driver not the County.
- 9) Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.
- 10) Department Heads may establish supplemental department vehicle policies.

Section 8B: Minimum Qualification for the Operation of County-Owned and Privately-Owned Motor Vehicles while Conducting County Business

- 1) Employees are encouraged to use County vehicles instead of their own for official County business whenever possible.
- 2) Personal vehicles may be used for official County business with the prior approval of the employee's Department Head. Employee's using their personal vehicles will be reimbursed at the prevailing rate established by the County Commissioners after submittal of the appropriate form to the Finance Department. No County employee shall be required to provide their own vehicle for conducting County business.
- 3) All employees whose duties require the operation of a County-owned vehicle or who operate a privately-owned vehicle while conducting official County business as a part of their employment with the County must possess a valid North Carolina Driver's License and a safe driving record.
- 4) Prior to acceptance for employment with the County in a position that would necessitate the operation of a motor vehicle in the course of performing the assigned duties of that position, an employee's motor vehicle operators record may be requested from the State Department of Motor Vehicles by the Personnel Office. If a Department of Motor Vehicles review indicates three or more moving violations within three years of the date of review, the employee may be denied authorization to operate a vehicle while representing the County. If the employment is

incumbent upon the ability to operate a vehicle, the prospective employee may be denied employment.

- 5) Employees operating County-owned motor vehicles or privately-owned vehicles while conducting official business shall observe all traffic laws, rules and regulations, and the dictates of common sense and good judgment.
- 6) If during the course of employment an employee exhibits a disregard for acceptable safe driving procedures, the responsible Department Head may deny further authorization to operate a vehicle while representing the County.
- 7) Any employee who operates a privately-owned vehicle while conducting official business for the County must maintain automobile liability insurance of \$15,000/\$30,000/\$5,000 in accordance with the State Financial Responsibility Law. Employees who do not maintain minimum liability coverage will not operate privately-owned vehicles in an official capacity.

Section 9: Collision Investigation Involving County Employees and/or Vehicles

If while operating a County-owned vehicle or a privately-owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, he or she shall:

- 1) Request that all parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has released them.
- 2) All collisions involving County vehicles or persons on duty and actively engaged in County business will be investigated by a police agency.
 - a. If occurring outside the County, the collision will be investigated by the law enforcement agency having jurisdiction.
 - b. If occurring within the County and involving property damage or a minor (non-hospitalizing) injury, the collision will be investigated by the County Law Enforcement Department.
 - c. If occurring within the County and the collision results in a fatality or injury requiring immediate hospitalization of any party, the accident will be investigated by an outside authority. Selection of an outside authority will be handled by the County Law Enforcement at the scene.
- 3) Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate County officials, and representatives of his or her own insurance company if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.

- 4) A copy of all policy reports and any statements attached thereto will be forwarded to the Finance Office within one business day. The Finance Office will report such accidents to the Employee Safety Committee.
- 5) If an employee is injured, procedures should be followed as outlined in the Policy regarding On-the-job Injury or Illness.

Section 10: Employee Actions at Accident Scenes

- 1) As a minimum, the employee should ensure that law enforcement and fire personnel have been notified (if necessary). If injuries have occurred, and the employee is capable and qualified, first aid may be rendered to the victim.
- 2) The employee should remain at the accident scene until emergency vehicles arrive and offer assistance to law enforcement and fire personnel as needed.
- 3) The employee should remain polite and helpful in all circumstances and never speculate on cause, effect or blame involved in the accident.
- 4) An incident report will be completed by the employee within 24 hours describing the details of the accident and filed with the Safety Coordinator and/or the Finance Office.

Section 11: Accident Investigation and Reporting

All accidents, no matter how minor, shall be reported promptly to the immediate supervisor and law enforcement for evaluation/investigation. Since every accident includes a sequence of contributing causes, it is possible to avoid a repeat performance of the first event by recognizing and eliminating these causes. The removal of just a single cause can prevent a recurrence. During the supervisors evaluation he/she must determine the possible consequences that could take place if the situation is not corrected and take appropriate action based upon those findings (i.e. investigate, report, correct, etc.)

Section 11A: Medical Emergency Procedure

EMS aid care will be called in the case where the employee needs immediate medical attention.

Section 11B: Documentation Procedures

- 1) Minor Injuries – (Requiring doctor/outpatient care) – After the emergency actions following an accident, an investigation of the accident will be conducted by the immediate supervisor or law enforcement in conjunction with any witnesses to the accident to determine the causes. The findings of the investigation shall be documented on the County's incident form and reported. A copy goes to Personnel, Department Head file, and safety committee chairperson.

- 2) Major Injuries – (Fatality or hospitalization) – The County Manager and Department Head are to be notified immediately by the person in charge and an investigation under the direction of the County Manager will be conducted. In addition, the inspection party will include the Chairman of the Safety Committee. In the case of a fatality or if two or more employees are hospitalized, the supervisor will report the accident to the nearest office of the Department of Labor and Industries, within 24 hours after the occurrence of the accident. The report shall relate the circumstances, the number of fatalities, and the extent of any injuries.
- 3) Near-Misses – (Likelihood of personal injury or property damage) – To the greatest extent possible, all “near-miss” accidents shall be investigated by the Safety Committee.

Section 12: Insurance Claims

- 1) No employee will discuss matters involving claims against the County.
- 2) All questions pertaining to claims shall be referred to the Finance Office.
- 3) Claims for damages presented to the County shall be referred to the County Clerk for filing.

Section 12A: Responsibilities

- 1) All County employees must notify their supervisor in the case of incidents involving potential claims within 1 day. The supervisor must report, in writing, to the County Manager within 3 days. Items reported should include any property damage occurring during work for the County, no matter how small.
- 2) The County Clerk is responsible for receiving all damage claims against the County and referring them to the County Manager.
- 3) The County Manager shall:
 - a. Ensure that any applicable provisions of State law are met, and see that all claims for damages accurately locate and describe the defect or act that caused the injury, reasonably describe the injury and state the time when it occurred, contain the item of damages claimed and be verified by the claimant or a relative of the claimant, attorney or agent of the claimant.
 - b. Refer claim to carrier within 5 working days and provide informational report to legislative body on claim status.
 - c. Recommend action to legislative body within 30 days of receipt regarding claims which fall below deductible limits of existing policies or which are not covered under existing policies.

Section 13: Accidents Involving Defective Equipment

When an accident happens where defective equipment is a possibility, the following action should be taken:

- 1) Attend to any injuries of employees or others.
- 2) Turn equipment in question over to the employee's supervisor, who shall consult with the Safety Coordinator.
- 3) Write a detailed report, within 1 day, to include all circumstances surrounding the incident and all manufacturing information available concerning the equipment in question. This report should be submitted to the Safety Coordinator. The Safety Coordinator will report such accidents to the Employee Safety Committee.
- 4) When an employee is injured, procedures should be followed as outlined in the Policy on On-the-Job Injury or Illness.

Section 14: Occupational Injury and Illness Recordkeeping

The purpose of this policy is to comply with OSHA standards for recording occupational injuries and illnesses.

In accordance with applicable requirements of the OSHA standards, each separate County facility will ensure the appropriate records are kept as follows:

- A. Maintain a Log and Summary of Occupational Injuries and Illness on OSHA Form 200. Recordable cases include:
 - a. Every occupational death
 - b. Every occupational illness
 - c. Every occupational injury that involves:
 - i. Unconsciousness
 - ii. Inability to perform all phases of the regular job
 - iii. Inability to work full time on a regular job
 - iv. Temporary assignments to another job
 - v. Medical treatment other than first aid
- B. Keep copies of all reports generated when an employee is injured on the job.
- C. During the month of February, post the completed Summary portion of the OSHA 200 Form for the previous year.
- D. Maintain records for 5 years following the year to which they relate.
- E. Enter each recordable injury and illness on the log as early as practicable, but no later than 6 working days after receiving the information that a recordable case has occurred.
- F. In addition to the OSHA 200, a supplementary record for each occupational injury or illness (OSHA 101) will be maintained. Other reports, such as worker compensation forms, are acceptable alternatives for the OSHA 101 if they contain the information required by the OSHA 101.

Adopted this the _____ day of _____ 2009.

Billy Corey, Chairman
Washington County Board
Of Commissioners

Lois C. Askew, CMC
Clerk to the Board