

HAYWOOD COUNTY PERSONNEL POLICIES

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EMPLOYEE ACKNOWLEDGEMENT FORM

Effective Date: 2/2/2009

Revision Date:

This handbook represents a brief summary of some of the more important Haywood County policies or practices, but not intended to be all inclusive of County policies or practices. The employee handbook describes important information about Haywood County, and I understand that I should consult the Human Resources Department regarding any questions not answered in the handbook. I understand and agree to the following:

- **Haywood County retains the sole right in its business judgment to modify, suspend, interpret, or cancel in whole or part at any time, and with or without notice, any of the published or unpublished personnel policies or practices. Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Haywood County's policy of employment-at-will. Only the Haywood County Board of Commissioners has the ability to adopt any revisions to the policies in this handbook.**
- **Haywood County does not recognize verbal or implied contracts for employment. Only the County Manager of the County has the authority to enter into any agreement of employment for specific durations. Such employment agreements will only be valid and binding on the County when the agreement is set forth in a written document signed by the employee and the County Manager.**
- **The contents of this handbook do not constitute an expressed or implied contract of employment.**
- **I have entered into my employment relationship with Haywood County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Haywood County can terminate the relationship at will, with or without cause at any time, except as specified within this manual, so long as there is no violation of applicable federal or state law.**

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Article I. Organization of the Human Resources System

Effective Date: 2/2/2009

Revision Date:

Section 1. Purpose

The purpose of this policy manual is to provide officials and employees of Haywood County with a concise document, which contains policies and directives to promote a fair and effective means of employee recruitment and selection, as well as to develop and maintain an effective and responsible work force. This policy is established under the authority of N.C. G.S. § 153A, Article 5, and N.C. G.S. § 126 of the General Statutes of North Carolina.

This policy manual replaces and supersedes all previously issued manuals, policies, memoranda and directives related to employment with the County. This personnel manual represents the “official” personnel policies of the County and should be used to conduct personnel issues such as recruitment, orientations, employee relations, conditions of employment, disciplinary actions and other employee related issues.

Each current and future employee of the County shall receive a copy of this manual and shall be responsible for maintaining it as policies are added, revised or deleted.

The issuance of this policy manual does not constitute a contractual relationship with employees. The County has the right to change or suspend any provisions of this manual at any time with the approval of the Board of Commissioners.

Section 2. Coverage

- A. All employees in the County's service, including employees of the Sheriff's Office, the Tax Collector and the Register of Deeds, are subject to this policy manual, except as provided in this section.
- B. Elected officials, the County Manager, and the County Attorney occupy positions that are filled by election or appointment and serve at the pleasure of the citizens of Haywood County and/or the Board of Commissioners. These positions are exempt from from all provisions of this policy.
- C. The following employees are covered only by the listed articles and sections:
 - Employees governed by the State Personnel Act (Health and Social Services) shall be subject to all articles except Article II, IV, and VIII.
 - The Director of Elections shall be subject to all articles except articles IV, V, VIII, and IX.
 - Employees of the Tax Collector, the County Sheriff, and the Register of Deeds shall be subject to all articles except article VIII.
 - Temporary employees and part-time employees without benefits, except as designated by the Board of County Commissioners, shall be subject to all articles except articles VI and VII.

Section 3. Definitions (listed alphabetically)

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

Anniversary Date. The employee's original date of employment with the County service in a regular position.

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

Child. A biological, adopted or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability”.

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

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

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

Exempt Employee – An employee who is not subject to the overtime and/or minimum wage provisions of the Fair Labor Standards Act. Article VI Section 14.

Full-Time Employee. An employee appointed to a regularly established position who is regularly scheduled to work forty (40) hours or more per workweek, is paid on a salary or hourly basis, and is designated by the Board of Commissioners as full-time.

Furlough. The placement of an employee in a temporary non-pay status and non-duty status (or absence from duty) because of lack of work or funds, or for other non-disciplinary reasons.

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

Grievance. Any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the County as further defined in Section IX,.

Hiring Rate. The wages paid an employee when hired into County service, normally the minimum of the salary range. However, the wages could be up to a maximum of 4% above the hiring rate based on a combination of education and experience at the discretion of the Director. Additional adjustment may be made at the discretion of the County Manager.

In Loco Parentis. An individual who stands or stood in loco parentis to an employee when the employee was a child.

Initial Evaluative Period (formerly probationary period) – The first full year of employment for County employees, during which time they are under evaluation, and no cause is needed to terminate their employment. Agency/Division Heads that wish to end the Initial Evaluative Period prior to the one year date may do so with the approval of the County Manager. The Initial Evaluative Period may also be extended in one to three month increments if necessary for a period not to exceed six months. For County employees covered by the State Personnel Act (SPA), the County will follow State Personnel Policy regarding initial evaluation periods.

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

Market Adjustment. An annual adjustment that may be made by the Board of County Commissioners effective July 1 of each year subject to availability of funds.

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

Merit Increase. An increase in pay above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position.

Non-Exempt Employee – An employee who is subject to the overtime and/or minimum wage provisions of the Fair Labor Standards Act. Article III Section 14.

Parent. A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include parent “in law”.

Part-Time Employee. An employee appointed to a regularly established position who is regularly scheduled to work less than forty (40) hours per workweek, is paid on an hourly basis, and is designated by the Board of Commissioners as part-time. Such an employee shall be considered on a part-time on call as needed basis and does not accrue benefits.

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

Performance Evaluation System. An annual review of an employee's performance, designed to facilitate fair and equitable merit pay decisions, recognizing performance as the basis for pay increases within the established pay range. In the case of promotion or transfer, this evaluation shall be based not on the original anniversary date but upon job performance in the employee's current position. An employee who has been promoted with a raise in pay shall not be eligible for a pay increase until he or she has served at least six months within their newly appointed position.

Reasonable Suspicion. Suspicion that requires further investigation based on some factual foundation, for example, when the physical appearance and behavior of an employee suggests drug use or possession of drugs, or there are other indications that the County's substance-abuse policy was violated. These may include alcohol on the breath, unusually slurred speech, lapses in performance, erratic behavior, inability to respond to questions and physical symptoms of alcohol or drug influence.

Regular Employee. An employee who has completed one (1) year of satisfactory County service and has been approved for regular status with benefits by his or her department head (with the approval, where applicable, of the County Manager).

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

Regular Part-Time Position. A position that has been approved by the Board of County Commissioners, the duties and responsibilities of which can be performed in less than a regular work day and/or workweek, but which entails a regularly established minimum of 20 hours per week and shall be eligible for pro-rata benefits.

Personnel File. An official record belonging to the County and maintained by the Human Resources Department for the purpose of administering its personnel program. It is the responsibility of each employee to keep the County advised of any changes in name, address, telephone number, tax withholding deductions, or benefits coverage (e.g. marital status, number of dependents).

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

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

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

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

Reduction in Force (RIF). Reduction in force (RIF) is defined as a reduction in the workforce or the number of approved positions because of lack of funds or work and/or the elimination of one or more program functions.

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

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

Salary/Pay Range. The minimum and maximum pay levels for a given classification for hiring purposes.

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

Salary/Pay Schedule. A listing by grade of all the approved maximum, mid-point, and maximum pay ranges authorized by the Board of County Commissioners for various position classifications of County government for hiring purposes.

Spouse. A husband or wife as defined or recognized under North Carolina law for purposes of marriage.

Temporary Employee. An individual appointed to serve in a position for a definite duration, but not to exceed twelve (12) months.

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

Trainee or Work Against Employee – An applicant or employee hired to a classification who does not meet all the established requirements for the position.

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

Workweek. A standard forty (40) hours per week beginning at 8:00 a.m. on Monday and ending 8:00 a.m. the following Monday.

Writ of Mandamus. A Writ of Mandamus, meaning "we command" in Latin is issued by a superior court to compel a lower court or a government officer to perform mandatory duties correctly. Mandamus is a judicial remedy in the form of an order from a superior court to any government to do or forbear from doing some specific act which that body is obliged under law to do or refrain from doing, and which is in the nature of public duty and/or a statutory duty. It cannot be issued to compel an authority to do something against statutory provision. Mandamus can be supplemented by the statement that it is not only the command to do but also a command not to do a particular thing against the rights of the petitioner. Mandamus is supplemented by legal rights. It must be a judicially enforceable and legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when he is denied a legal right by someone who has a legal duty to do something and abstains from doing it.

Section 4. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same pay range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, military or veteran status, nondisqualifying handicap, age or any other characteristic protected by applicable law.

Section 5. Board of County Commissioners

The Board of County Commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when required by law.

Section 6. Responsibility of the County Manager

The County Manager shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend, and remove all County officers and employees, except those elected by the people or those whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C. G.S. § 153A-82 and articles IV, V, VIII and IX of this personnel policy manual.

Section 7. Responsibility of the Human Resources Director

The Human Resources Director shall assist in preparation and maintenance of the position classification plan and the pay plan. The Human Resources Director will assist with recruitment and selection of employees, staff development and training, interpretation of policy and procedure, establish and maintain a performance evaluation system for employees and administer the benefits program. The Human Resources Director will perform such other duties in Human Resources administration as the position shall require.

Section 8. Appointments Required by Law

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

<u>Position</u>	<u>Statute Reference</u>
Clerk to the Board	N.C. G.S. § 153-A-111
County Attorney	N.C. G.S. § 153-A-114
Tax Assessor	N.C. G.S. § 105-294
Tax Administrator	N.C. G.S. § 105-297
County Manager	N.C. G.S. § 153-A-81(1)

Section 9. Limitations of Appointive Authority

Due to the nature of County government, the Board of Commissioners does not have appointing authority over certain positions or employees in certain departments. The positions and departments are as follows:

Sheriff, Tax Collector and Register of Deeds

Pursuant to N.C. G.S. § 153-A-103, and subject to the right of the County to limit the number of employees in the office or department, Elected Officials have the right to hire, discharge, and supervise the employees in their respective offices. However, the Board of County Commissioners must approve the hiring of relatives of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

County Health Director

The County Health Director is appointed by the Haywood County Board of Health. (N.C. G.S. § 130A-40). The Health Director has the authority to appoint, discipline, supervise and dismiss all employees of the Health Department. (N.C. G.S. § 130A-41 (b) (12))

County Social Services Director

The County Social Services Director is appointed by the Haywood County Board of Social Services. (N.C. G.S. § 108-A-9) The Social Services Director has the authority to appoint, discipline, supervise and dismiss all employees of the Social Services Department. (N.C. G.S. § 108-19)

County Library Director

The County Library Director is appointed by the Haywood County Library Board of Trustees. Professional employees of the library, those certified as librarians, are recommended by the Library Director and approved by the Board of Trustees. The Library Director has the authority to supervise and discipline professional library employees. The Director also has the authority to appoint, supervise, discipline, and dismiss all other library employees.

County Elections Director

The County Elections Director is appointed by the Haywood County Board of Elections. (N.C. G.S. § 163-35) The Elections Board is empowered to appoint and remove a Director of Elections and all registrars, judges, assistants, and other officers of elections. (N.C. G.S. § 163-35)

Article II. The Classification Plan

Effective Date: 2/2/2009

Revision Date:

Section 1. Adoption

The position classification plan, as from time to time approved by the Board of County Commissioners, is hereby adopted as the position classification plan for the County.

Section 2. Allocation of Positions

The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

Section 3. Administration

- A. The County Manager, or person(s) designated by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Office/Agency Directors shall be responsible for bringing to the attention of the County Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position.
- B. New positions shall be established upon recommendation of the County Manager with the approval of the Board of County Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing classification plan or (2) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.
- C. When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.
- D. Health and Social Services positions shall conform to the State personnel guidelines. All applications for reclassifications prior to submission to the Regional Personnel Office shall be furnished to the Human Resources Department.

Section 4. Amendment

Classes of positions shall be added to and deleted from the position classification pay plan by the Board of County Commissioners based on the recommendation of the County Manager.

Article III. The Pay Plan

Effective Date: 2/2/2009

Revision Date:

Section 1. Adoption

The pay schedule, reflecting both grade level and minimum, mid-point and maximum pay, as approved by the Board of County Commissioners, is hereby adopted as the pay plan for Haywood County.

Section 2. Maintenance of the Pay Plan

The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private and public sector in the area, to changes in the cost of living, to financial conditions of the County, and to other factors. To this end the County Manager shall, from time to time, make comparative studies of all factors affecting the level of pay ranges and shall recommend to the Board of County Commissioners such changes in pay ranges as are warranted.

Section 3. Administration of the Pay Plan

The pay plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay range. The classification plan shall meet the requirements of the State Competitive System for local government employees, while maintaining a County-wide plan.

The performance appraisal system designed to facilitate fair and equitable merit pay decisions must meet the needs of both management and employee.

Section 4. Hiring Rate/Starting Pay

New employees will be hired at the minimum of their assigned pay grade. However, the pay may be higher than the hiring rate based on a combination of education and experience. Appointments above minimum may be made by the County Manager when deemed necessary to the best interests of the County, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the minimum rate. Any appointment above the Standard Job Rate must be approved by the County Manager.

Section 5. Progression to the Standard Job Rate

Upon satisfactory completion of one (1) year, and then each anniversary date, the employee will be evaluated. This position performance evaluation will determine what percent (%) of increase the employee will receive, if any. Due to the increase, the employee will elevate up the pay range for their assigned grade.

Section 6. Failure to Perform Satisfactorily

An employee who fails to perform satisfactorily, whether during the probationary period or during advancement, will be denied the scheduled pay increase. Appropriate disciplinary action may be taken by the Office/Agency Director in accordance with Article VIII of this policy. Employees who have advanced will be required to perform at a satisfactory level or be subject to disciplinary action and/or demotion.

Section 7. Delay of Performance Evaluation

An employee's absence from work due to sick leave, leave without pay, Worker's Compensation, or any other authorized leave is cause for the Office/Agency Director to request an extension of up to 12 months of the initial evaluative period, as well as an extension on the annual performance evaluation review, so as to allow adequate time for evaluation of performance.

Section 8. Merit Increases

A. Merit increases, defined as advancements in the pay range above the Standard Job Rate, are not automatic but may be awarded for the following reasons: (1) exceptional work achievements, (2) excellence in work performance, or (3) special contribution to productivity. Each employee who has progressed to the Standard Job Rate may be considered annually for a merit increase on his or her anniversary date. Such merit increases must be recommended by the Office/Agency Director and approved by the County Manager. While all regular employees at the minimum of their pay range and above will be considered for merit increases, the Office/Agency Director shall recommend only those employees who exceed the standard and/or expected performance for a merit increase. In the case of promotion or transfer, this evaluation shall be based upon job performance in the employee's current position, whichever is most recent.

B. Once the amount of funds has been allocated by the Board of County Commissioners for merit increases, employees will be evaluated to determine how well they are meeting their performance standards. All requests for merit increases will be fully documented by the Office/Agency Director and will be granted by the County Manager only to employees who have performed above the standard for their position.

Section 9. Payment at a Listed Rate

A. Employees covered by the pay plan shall be paid at a listed rate within the pay ranges established for their respective job classes except for employees in a trainee and/or work against status or employees whose present wages are above the established maximum rate following transition to a new pay plan.

B. When an employee attains the maximum rate of a pay range for his or her present position, no further merit increases will be received unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher pay range, or (3) the pay for the present position is increased. Such employees shall be eligible for a one time check for the amount of the merit increase. These employees shall be eligible for any cost of living /market adjustments.

Section 10. Trainee or Work Against Salaries

An applicant hired, or an employee promoted to a position in a higher classification, who does not meet all the established requirements of the position, shall be appointed with the approval of the County Manager at a pay rate below the minimum pay for that classification. Employees subject to the State Personnel Act (SPA) will be designated "trainees" or "work against" in accordance with rules and regulations established by the Office of State Personnel.

Any other non-SPA County employees to be designated as "trainees" shall be based upon recommendations of the Office/Agency Director with the approval of the County Manager. An employee in trainee status shall continue to receive a reduced pay until the appointing Office/Agency Director and the County Manager determine that the trainee is qualified to assume the full responsibilities of the position, at which point the employee will be increased to the the minimum rate of pay for the appropriate grade for their assignment.

Section 11. Pay Rates in Promotion, Demotion, Transfer, and Reclassification

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

- A. When a promotion occurs, if the employee's pay is below the new minimum, it shall be increased to the minimum rate of the pay range assigned to the class to which he or she is promoted. If the employee's current pay is already above the minimum pay rate, his or her pay may be adjusted upward or left unchanged at the discretion of the County Manager, provided that the adjusted pay does not exceed the maximum of the assigned pay range.
- B. If an employee is demoted as a result of a reclassification, and the employee's current pay falls above the maximum of the range for the lower class, the employee's pay will remain the same until general schedule adjustments or range revisions bring it back within the lower range. If an employee is demoted for cause, the employee's pay will be reduced to any step in the lower pay range as long as the reduced pay does not fall below the minimum pay rate of that range.
- C. When a reclassification occurs and an employee's position is reclassified to a class having a higher pay range, the employee's pay shall be increased to the minimum of the new pay range. If the employee's current pay is already above the minimum pay rate, his or her pay may be adjusted upward or left unchanged at the discretion of the County Manager, provided that the adjusted pay does not exceed the maximum of the assigned pay range.

Section 12. Pay Rates in Pay Range Revisions

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

- A. When a class of positions is assigned to a higher pay range, employees in that class may receive a percentage pay increase or an increase to the minimum rate of the new range, as budget allows.
- B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the pay of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current pay (with the exception of market adjustments).

Section 13. Pay for Regular Part-Time Work

Compensation of any employee hired for less than forty (40) hours a week shall be computed on an hourly basis. These employees will receive the same holidays as the regular full-time employees provided that they are regularly scheduled to work on the day the holiday occurs. The holidays will be prorated according to their established percentage of time. All employees who work less than forty (40) hours a week will be covered by Worker's Compensation and Social Security. Other benefits are available as provided in Article VII.

Section 14. Overtime – Non-Exempt

- A. The County abides by all applicable sections of the Fair Labor Standards Act of 1986, as amended from time to time. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Haywood County who are nonexempt under the Fair Labor Standards Act.
- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks or at any time that they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- C. It is the policy of the County, in agreement with its employees, that non-exempt employees receive compensatory time off at a rate of one-and-one-half (1 1/2) hours for each hour of overtime worked over 40 hours.
- D. Nonexempt employees who work in public safety activities, emergency response activities, or seasonal activities may accrue not more than 480 hours of compensatory time for overtime hours worked after April 15, 1986. All other nonexempt employees may accrue not more than 240 hours of compensatory time for overtime hours worked after April 15, 1986.

- E. It is the express responsibility of the supervisor, along with the Office/Agency Director, to oversee the use of such compensatory time as required within the above policy.
- F. Employees wishing to use and exhaust accrued compensatory time must make a request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the County.
- F. Employees must use compensatory time first before any other approved leave.

Section 15. Payroll Deductions (per 2004 Updated Federal Regulation)

General Policy

Federal and State income taxes, Social Security tax, and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. It is the express policy of Haywood County to prohibit improper pay deductions. All deductions from a County employee's wages shall be in accordance with all applicable laws and, when required, the employee's consent. Toward this end, the County has provided the following information as a vehicle for articulating this policy and to provide guidance in the event of employee complaints regarding improper pay deductions, in reimbursing employees for any improper deductions made, and to ensure future compliance with all state and federal wage laws and internal policies regarding any improper pay practices.

Employees shall be required to complete all applicable forms necessary for deductions as may be required by law and County policy; including such forms as the Federal W-4 and State NC-4. If an employee does not complete the required form, then deductions will be made in accordance with applicable law and policy. Employees are to be notified of deductions (if such notification has not been sent by the requesting agency) due to court orders, such as child support or garnishments, in accordance with such orders. No deduction from an employee's wages for any period shall cause the employee's wages for any such period to be less than the wage required to be paid by the County pursuant to applicable law.

Pay Basis Requirement for Exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law which requires that non-exempt employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, and professional employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. The FLSA contains other exemptions as well. To qualify for an exemption, employees generally must meet certain tests regarding their job duties and be paid on a pay basis of not less than \$455 per week. These pay requirements do not apply, for example, to teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a pay basis or on an hourly basis at a rate not less than \$27.63 an hour. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and pay must meet all the requirements of the FLSA regulations.

Being paid on a “pay basis” means an employee regularly receives a predetermined amount of compensation each pay period on a bi-weekly basis (i.e. a pay). The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full pay for any work week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work. If the employer makes deductions from an employee’s predetermined pay, i.e., because of the operating requirements of the business, that employee is not paid on a “pay basis.” If the exempt employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from The Pay of Exempt Employees

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for pay lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see Disciplinary Deductions below). Also, an employer is not required to pay the full pay in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (“FMLA”). In the instance of FMLA Leave, either partial day or full day deductions may be made. Other deductions allowed by the FLSA may also be made as appropriate.

Disciplinary Deductions

Deductions may be made from an employee’s pay for a disciplinary suspension in violation of Workplace Conduct rules as set forth in Article 7 (Separation, Disciplinary Action And Reinstatement) of the Haywood County Personnel Policy Manual. In other words, the suspension may be unpaid, even if the employee is a salaried, exempt employee.

Payment Of County Taxes By Employees

The operations of the county are financed primarily through the collection of county property taxes, it is therefore required that each county employee pay his or her county property tax in a timely fashion. Failure to timely pay county property taxes will be considered a violation of these policy provisions and subject to the provisions of Article III, Section 15 subject to garnishment from the employee’s payroll check. Any outstanding employee county taxes not paid once the collection process starts in the Tax Department (for which the employee has not made previous arrangements with the tax department to pay) will be the first public tax garnishment notifications to be sent.

Other Allowable Deductions

Deductions may be made for absences resulting from work-related accidents pursuant to the County’s Worker’s Compensation Leave policy (following the initial seven-day waiting period) and applicable North Carolina Workers Compensation laws.

Reimbursement of County Funds Deductions

In the event that an employee is allowed advance of vacation days, overpayment of wages or other funds, and resigns or is terminated from County employment prior to reimbursement of such amount, the amount owed may be deducted from said employee's final wages. If such deduction does not result in full payment of monies owed to the County, the employee will reimburse the County for the balance as per signed agreement from initial employment. The employee may also be charged via payroll deduction the market value of all items issued to employee (e.g., training materials, keys, etc.) damaged or not returned by the employee, for other debts or obligations to the County, and/or for bad checks written to the County by such employee.

Complaint Procedure for Improper Pay Deductions

If an employee feels their pay has been improperly reduced, they may address their concerns to the Human Resources Director. Reports of improper deductions will be promptly investigated. If the employee and the Human Resources Director cannot resolve the matter, the dispute will be referred to the County Attorney. The County will promptly correct any deductions made in error or not permitted by applicable law.

Compliance

If it is determined that an improper deduction was made, Haywood County will fully reimburse the employee for any improper deductions and will take all measures necessary to ensure that no further improper deductions are made.

The Human Resource Director will review this policy annually (and upon notice that the law has changed) to ensure compliance with applicable law.

This policy shall apply to all employees in accordance with Haywood County's policies and procedures for making deductions for reasons of public accountability. This policy will be provided to all new hires, placed in the Personnel Policy Manual, and posted on the Human Resources Intranet webpage. It is the County's intent to abide by all federal and state laws related to wage deductions, including the FLSA.

Section 16. Payroll Procedure

All employees shall be paid on a bi-weekly basis every other Friday. If Friday falls on a holiday, then employees will be paid on the last working day before the holiday.

Section 17. Effective Date of Pay Adjustments

Pay adjustments shall become effective on the beginning of each pay period.

Section 18. Termination Pay

Upon submission of resignation, an employee shall be paid for vacation leave accumulated to the date of separation, subject to a maximum of 240 hours less any deductions for debts outstanding against the County, provided that the initial evaluative period has been completed and provided the employee has submitted notice to their immediate superior at least two weeks in advance of the effective date of resignation. An employee who is involuntarily separated without fault (reduction in force) on the part of the employee shall be paid for vacation leave accumulated to the date of separation, subject to a maximum of 240 hours. Compensation for accumulated vacation leave shall not be paid any employee separated for reasons of performance, attendance or other cause. In that instance, accrued vacation leave shall be forfeited. Accumulated sick leave is not eligible for compensation upon termination or resignation of employment but is instead forfeited. The Human Resources department shall deduct and withhold from the final paycheck any amount owed the County for group insurance premiums. Any final payment for unused vacation leave will be combined with the last paycheck. (N.C. G.S. §. Section 95-25.7)

No severance pay will be allowed under any circumstance unless approved by the Board of County Commissioners.

Section 19. Longevity Pay

Longevity pay is to recognize continuous service of regular, full-time and part-time employees. Longevity pay is an automatic, annual payment, made in a lump sum in employee's anniversary month, subject to availability of funds, to employees who meet the eligibility requirements.

Annual longevity amounts are based on the length of County service and a percentage of the employee's annual rate of base pay as of anniversary date. Longevity pay amounts shall be computed by multiplying the employee's base pay rate by the appropriate percentage from the table below.

<u>Years of County Service</u>	<u>Longevity Pay Rate</u>
5 years but less than 10	2.00%
10 years but less than 15	2.50%
15 years but less than 20	3.00%
20 years but less than 30	3.50%
30 years or more	4.00%

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

- (1) An employee shall have five years of continuous qualifying service with Haywood County.
- (2) The employee must have full-time or part-time, regular appointment.
- (3) Credit for the service requirement shall not be given for temporary full-time, or temporary part-time employment. Periods of leave without pay in excess of one-half the workdays in a month, with the exception of Family & Medical Leave, military leave and worker's compensation leave, will not count toward service credit.
- (4) County service is the time for continuous, regular, trainee, and probationary employment. If an employee is in pay status through working, using annual or sick leave, drawing worker's compensation, or on authorized military leave for one-half or

more of the regularly scheduled workdays in a month, credit shall be given toward qualifying service.

- (5) Regular, part-time employees will receive longevity pay in proportion to their percentage of base pay.

The Human Resources Department shall be responsible for determining and certifying the length of qualifying service of each employee and for initiating the necessary steps for payment.

Article IV. Recruitment and Selection

Effective Date: 2/2/2009

Revision Date:

Section 1. Statement of Equal Employment Opportunity

Haywood County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, age, national origin, citizenship status, physical or mental disability, past, present or future status in the uniformed services of the United States, or any other characteristic protected under applicable federal, state or local law ("Protected Characteristics"). This policy applies to all terms and conditions of employment, including but not limited to recruitment, hiring, placement, promotion, demotion, termination, layoff, leave of absence, compensation, benefits and training.

In addition, Haywood County offers reasonable accommodations to qualified applicants and employees with disabilities in compliance with federal and state laws. Any applicant or employee who requires an accommodation for the application process or in order to perform the essential functions of the job should contact Human Resources and request such an accommodation.

If you have any questions about this policy, or believe you have been treated in a manner inconsistent with this policy, you should immediately report it to management and/or to Human Resources. No applicant or employee will experience retaliation for making a good faith report of perceived violations of this policy.

Section 2. Recruitment - Responsibility of the Human Resources Director

The Human Resources Director is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts of the Human Resources Department and all County offices/agencies will be coordinated in a timely manner.

Section 3. Position Vacancy Announcements

When deemed appropriate by the Office/Agency Director, vacancies for regular positions will be posted internally (applications accepted only from current Haywood County employees) for a period of five (5) working days. Upon determining that internal recruitment has been exhausted, outside applications will be accepted. Internal and external recruitment postings may occur simultaneously, at the discretion of the Office/Agency Director. All outside recruitment announcements shall be posted for a minimum of seven (7) working days at:

- A. Haywood County Human Resources Office
- B. The local office of the Employment Security Commission
- C. The Haywood County Website (www.haywoodnc.net)

Optional recruiting publicity shall be carried out through the media, as appropriate, at the recruiting office/agency's expense. Position announcements shall contain, at a minimum:

- A. The title, grade and location of the position
- B. The closing date for acceptance of applications

- C. Minimum job requirements/qualifications
- D. A statement of equal employment opportunity

Section 4. Application for Employment

The County application shall be the standard application accepted for any and all position listings unless otherwise requested by the hiring office/agency. No applications may be accepted by an agency or an office (with the exception of the Sheriff, Tax Collector, Register of Deeds, Director of Social Services and Public Health Director, who shall have the authority over appointments in their respective office/agency, with the County Manager determining the pay of new employees above the hiring minimum). All referrals must be made through the County Human Resources Department or the local office of the Employment Security Commission. All information provided on the application must be true and correct. Providing false information may be grounds for elimination from consideration for a vacant position and/or dismissal from County employment.

Section 5. Applicant Tracking

- A. The Human Resources Department shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process, and the pool of applicants considered for each vacancy. These applications are held only for six months after the closing date of the vacancy.
- B. The applicant pool data for each position shall include an alphabetized listing of all applicants, Social Security numbers, and test scores, when applicable, for each position vacancy announcement. In addition, EEO-4 forms, providing data on race and sex of applicants, shall be maintained by the Human Resources Department.

Section 6. Testing

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

Section 7. Interview Process

Selected applicants who are considered by the appointing authority to be the most qualified for the vacant position, will be interviewed by the appointing authority and/or designees. Applicants will be interviewed by committee, and may be required to undergo more than one such interview to include interview(s) by other staff and committees. All job offers are contingent upon successful completion of a required background check and other required testing.

Section 8. Qualification Standards

- A. All applicants considered for employment or promotion shall meet the qualification standards established by the class specifications relating to the position to which the appointment is being made.
- B. All appointments shall be made on the basis of merit.

- C. Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to make a selection. In this instance the deficiencies may be eliminated through orientation and on-the-job training, and the employee is designated a trainee by the County Manager (for employees in County General Positions) or the Office of State Personnel (for employees in all positions subject to the State Personnel Act.)
- D. When qualified applicants are unavailable and there is no trainee provision for the vacant classification, an appointment may be made below the level of the regular classification in a work-against appointment, allowing the appointee an opportunity to gain the qualifications needed for the full class through on-the-job experience. The work-against appointment is available for competitive service employees only. The appointee must meet the minimum education and experience standard of the class to which the appointee was initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question.

Section 9. Medical Examination

Any applicant, after being offered employment by the County, shall be required to undergo a post-offer, pre-hire medical examination and drug testing for the purpose of determining fitness for the position, with or without accomodation. Such examination shall be at the expense of the County and by a Health Care Provider selected by the County (pending funding availability). An individual who cannot pass the required testing shall not be eligible for continued employment, and the job offer shall be withdrawn.

The County also reserves the right to require a current employee to undergo a medical examination for the purpose of determining fitness for the duty, with or without accommodation. Any such examination shall be at the expense of the County and by a Health Care Provider selected by the County. An individual who cannot pass the required testing shall not be eligible for continued employment in that position.

Section 10. Background Checks

Haywood County's background check policy was established to protect the interest and safety of the public and County resources. Through the use of criminal background and Department of Motor Vehicles (DMV) checks on all volunteers and new employees, our Third Party Administrator will provide a method to properly and legally review backgrounds for criminal activity of candidates for hire in positions with the County. For positions requiring fiduciary responsibility, bonding or the handling of money, a credit check will also be required. DMV, credit and/or criminal record checks may also be required annually for all existing employees.

PROCEDURE:

1. All Offices/Agencies shall forward the proper forms to our Third Party Administrator or to Human Resources prior to employee orientation for a criminal background and DMV checks. For those individuals whose positions require fiduciary responsibility, bonding or the handling of money, the Office/Agency Director shall also forward the proper forms for a credit check. Those Agency/Divisions wishing to set up an online user account with our TPA may do so by contacting Human Resources.

2. Human Resources shall forward to the Office/Agency Director the names of all individuals who have had their background investigation completed and who are eligible for employment.

BARRIER CRIMES:

Except with the express permission of the County Manager, no individual shall be eligible for employment if the results of the background check show that the person has ever been **convicted** of any of the following crimes:

A. Crimes Against People

1. Murder or manslaughter
2. Malicious wounding by mob
3. Abduction
4. Felony assault or bodily wounding
5. Armed Robbery
6. Carjacking
7. Extortion or other communication of threats
8. Sexual assault
9. Felony stalking
10. Any other felonies against the person as defined by the State of North Carolina
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

B. Crimes Against Property

1. Felony arson
2. Embezzlement or felonious larceny
3. Burglary
4. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

C. Crimes Involving Health and Safety

1. Felony conviction relating to distribution of drugs.
2. Felony possession of drugs within eight (8) years of the date of application.
3. Drive-by shooting.
4. Use of lethal weapon in a crime of violence
5. Felonious discharge of firearms within or at occupied dwellings
6. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

D. Crimes Involving Morals and Decency

1. A crime of Moral Turpitude: "conduct that is considered contrary to community standards of justice, honesty, or good morals."
2. Pandering
3. Any conviction for a crime against the person of a minor, felony or misdemeanor, which involves sexual or physical misconduct.
4. Any obscenity offense
5. Possession of child pornography or electronic facilitation of pornography
6. Abuse and neglect of incapacitated adults
7. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

ALL OTHER CRIMES

A. All pending charges for barrier crimes (except crimes against minors) and convictions for other crimes revealed through a background check shall be reviewed on a case-by-case basis to determine if the individual poses a risk. No individual may be found ineligible because of pending charges, except for barrier crimes. However, an individual may ultimately be found ineligible if the previously pending charge results in a conviction. unless or until such charges are subsequently dismissed or the individual is found not guilty.

B. All cases in this section under question shall be considered anonymously by a standing committee comprised of a representative of Human Resources, County Manager, and the County Attorney's Office.

The following factors may weigh for, or against, the applicant in determining the appropriateness of qualification or disqualification.

- The nature and seriousness of the offense and its relation to the applicant's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for personal gain, or was frequently repeated.
- The proposed job level and type of employment, including supervisory or fiduciary role, contact with the public, and prominence of the position.
- Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- The potential for the applicant's rehabilitation, if known.
- Mitigating circumstances surrounding the offense.

C. If, upon review of the record, it is determined that the individual is not eligible for employment, a proposed adverse impact will be sent by the Human Resources Director to the individual in question to provide their right to review the record in question.

D. If no response to this proposed action is received requesting review or further information for consideration, a final decision and impact statement (if appropriate) will be sent to the applicant.

CONFIDENTIALITY

All persons receiving background information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law.

Section 11. Identification

Those persons applying for positions which require operation of a motor vehicle must present a valid North Carolina driver's license at the time of employment. All new hires shall complete an I-9 form and present the required proof of identification during orientation before they are placed on the County payroll. Employees may present any of the forms of identification listed on the I-9 form. A photocopy of the proof of identification will be made and placed in employee's personnel file.

Section 12. Selection

Office/Agency Directors (in cooperation with the Human Resources Director) shall develop, use, and document, on a consistent, routine basis, a structured selection process that best suits the County's needs in filling positions within each office/agency. All selection methods developed and utilized by the Office/Agency Director shall be valid measures of job performance.

While every effort shall be made to promote from within qualified employees possessing the desired qualifications, the hiring office/agency shall conduct such investigation or examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required to best fulfill the needs of the County within the position. This does not require nor guarantee an interview of every internal applicant.

PROCEDURE

The Office/Agency Director shall Identify Open Positions and notify the Human Resources Director. Posting of positions, whether internal only or both internal and external, shall be at the discretion of the Office/Agency Director, based on the position's requirements. This decision is to be reviewed with and approved by the person to whom the manager reports.

Human Resources posts the Job Posting via e-mail and Offices/Agencies are responsible for placing such on employee notice boards within their various employee areas for employees that do not have electronic access. This method will be used to notify existing employees of a position's availability and obtain qualified internal candidates. Such notice shall include a description of the position with pay grade, required qualifications, and the date by which applications must be received.

Any eligible and qualified employee may apply for a posted position by completing an application with Human Resources. However, applications will only be considered for the position if the employees:

- Provide evidence that they possess the required qualifications.
- Have been in their current position at least six months.
- Have no significant performance issues or warnings within the last 12 months.
- Have not been excessively absent or late during the past 12 months.
- Have received at least a Good rating on their last performance appraisal.

Applications from employees who apply for a position are forwarded, after the closing date for applying, to the supervisor of the position. The supervisor of the position interviews qualified applying employees, along with other any other accepted applicants, and makes a decision regarding each one.

If the decision is made to hire from within, the Office/Agency Director shall make the job offer to the employee, and upon acceptance, shall contact and coordinate the transfer with the employee's current Office/Agency Director (and both shall submit a Personnel Action Form to Human Resources initiating the employee's change in status). Human Resources approves the Personnel Action Form if it is within guidelines and submits it to Payroll.

Section 13. Appointments

- Before any applicant begins work, the Office/Agency Director shall meet with the Human Resources Director to discuss the appointment (with the exception of Office/Agencies exempted by statute). The Personnel Action Form, the original application for employment, test score sheets (when applicable), and any additional supporting documents, including the State PD-100 (positions subject to the State Personnel Act), shall be reviewed by the Human Resources Director. If the duties of the position include operation of County-owned or County-insured vehicles, the Office/Agency Director will, before issuing an offer of employment, conduct a review of the driving record of the person to be hired, which record will become a part of the personnel file.
- The Sheriff, Tax Collector, and the Register of Deeds, shall have authority over appointments in their respective departments with the County Manager determining the class and the pay of new employees.
- When filling an existing position, Agency/Division Directors are responsible for budget overview regarding necessary line item transfers, budget amendments, and exhausting all former employee leave balances prior to the start date of the new hire.
- The Board of County Commissioners must approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.
- Temporary Appointment – A temporary appointment may be made to regular or temporary positions and shall be limited to a maximum duration of twelve (12) months. Any individual appointed to a temporary position will not be eligible for paid leave and/or any other fringe benefits, excluding Social Security Insurance and Worker's Compensation Insurance.
- Regular Appointment – A regular appointment is an appointment to a regularly established position where the incumbent is expected to be retained in the position on a regular basis. Regular appointments follow the satisfactory completion of a initial evaluative period of employment, as explained in this personnel policy manual.
- Full-Time Appointments – A full-time appointment is an appointment to a position where the employee is expected to work a minimum of 40 hours per week.
- Part-Time Appointments – A part-time appointment is an appointment to a position where the employee is regularly scheduled to work less than 40 hours per week and is paid on an hourly basis.

Section 14. Succession Planning

This policy defines the succession planning process which ensures sufficient talent is available for Haywood County to achieve a competitive advantage, enhance performance, and maximize the productivity of its talent pool. This process will allow Haywood County to develop diverse leaders throughout the County by gaining a better understanding of management talent, addressing concerns with ongoing attrition, developing bench strength, and effectively dealing with workforce issues.

This process will provide for continuity of leadership by identifying and developing future leaders of Haywood County and where necessary, recruit externally. This process will mitigate risks associated with leadership gaps.

14.1 Procedure

Each Office/Agency Director shall be responsible for putting into place a Succession Planning (SP) Team. Each SP Team shall have responsibility for process implementation. The SP team should include the Office/Agency Director and his/her direct reports, as appropriate. The SP process includes the following steps:

Assess Management Talent

Each SP Team will inventory current talent in the areas of leadership potential and performance to identify the top, middle, and bottom talent. Haywood County's evaluation process should assist in identifying leadership competencies which provide the foundation for the talent assessments.

Identify Succession Planning Positions and Determine Organizational Bench Strength

Each Office/Agency identifies positions for inclusion in its succession plan. Using the results of the talent assessments, key managers nominate employees for participation in the succession planning program. Candidates should demonstrate high potential/ability to achieve success at higher levels and may be assigned a mentor to help guide their development. Candidates will be placed on succession planning matrices based on their readiness using the following distinctions:

- Ready Now (RN)– candidates who currently possess the necessary qualifications and credentials to assume the responsibilities of the succession planning position immediately;
- Ready Longer-term (R.L.T)– candidates who currently lack the necessary qualifications or credentials for immediately assuming the responsibilities of the succession planning position, but possess the potential to obtain these requisites within two years;
- High Potential Candidates – candidates with high leadership potential who are more than two years from being succession planning candidates. (These candidates will participate in development activities to increase their readiness for future succession planning positions.)

Prepare Individual Development Plans

All succession planning and high potential candidates will work with the SP Team and/or an assigned mentor within the organization to prepare an individual development plan (IDP). The specific content of the IDP will vary depending on the specific needs of the candidate. The IDP should reflect the candidate's development needs which may include managerial, leadership, operational, and/or other technical needs with an associated timeframe for completion.

Develop Workforce Action Plans

Each Office/Agency will develop a Workforce Action Plan to identify and address critical and strategic workforce issues for the organization. The action plan will include trends, gaps, successes, potential critical knowledge loss threats, and other special initiatives (i.e., Fast Track Programs, Employee Development Programs, special recruiting efforts, etc.) to build bench strength. The Action Plan should also include a strategic assessment of leadership depth, identification of rotational opportunities to further develop candidates, and a description of allocated resources (compensation, training, etc.) to employees based on their actual or potential contribution to organization excellence.

At least annually, the Haywood County Manager, in coordination with Human Resources, will convene a meeting of Office/Agency Directors to discuss talent management. The focus of these meetings will be to discuss topics such as development options for top talent, organization succession plans, and other critical workforce issues. Because the strategic management of talent is a critical driver of performance, these meetings will be used to reinforce the responsibility and accountability of our senior management team for developing talent.

14.2 Roles

Office/Agency Director

- Establish SP Teams
- Sponsor and own the process
- Provide resources required for program implementation
- Ensure talent management information is communicated to management, succession candidates, and other employees as appropriate

Succession Planning Teams

- Assess management talent
- Identify succession planning candidates and determine whether they are ready now (RN), ready long-term (RLT), or high potential
- Promote/seek to develop diverse succession candidate pools
- Assign mentors (if appropriate) to succession planning candidates for assistance in guiding their development
- Monitor developmental progress of succession planning candidates
- Review and revise candidate development plans as necessary to ensure all developmental needs are addressed
- Ensure a sufficient number of candidates are identified for each position or that appropriate action has been initiated to identify acceptable candidates
- When a succession planning vacancy occurs, work with Human Resources and supervisors to ensure the selection process appropriately considers succession candidates
- Prepare organization's Workforce Action Plans
- Identify benchstrength gaps (or organizational gaps) and develop initiatives to address gaps
- Manage a database of succession planning information on all succession planning candidates in their area

Mentors (Optional/Voluntary)

- Take personal interest in candidate's career development
- Share knowledge, materials, skills, and experience with those they mentor
- Support, challenge, offer patience and enthusiasm--guiding candidate to higher level of competence
- Work with candidate and supervisor to determine appropriate development activities for inclusion in development plan
- Meet regularly (frequency to be determined by candidate and mentor) with candidate to assess progress, remove barriers, and offer coaching advice

Succession Planning Candidates

- Express career interests and objectives to supervisor and/or mentor
- Working with supervisor/mentor, establish IDP
- Complete activities in development plans
- Self-manage development process
- Willingly accept developmental opportunities identified in development plans

Human Resources

- Facilitate the implementation of SP for Haywood County
- Serve as a member of the organization's SP Team
- Assist SP Teams in developing strategies to address issues (i.e., benchstrength gaps) and concerns identified by the team
- Serve as a resource to SP team members and management on SP process information and development opportunities

Section 15. Initial Evaluative Period of Employment (Formerly Probationary Period)

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Haywood County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new and rehired employees work on an introductory basis for the first twelve (12) months after their date of hire; including law enforcement officers. Any significant absence will automatically extend an introductory period by the length of the absence. If Haywood County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Haywood County - provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Upon completion of 90 days, the Office/Agency Director or supervisor shall do an evaluation to let the employee know about his or her job performance. Any regular (benefitted) employee or Haywood County may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. **In other words, all employees who are still within their first twelve months of employment are employed at-will, and neither cause nor prior notice is required to terminate them.** Following successful completion of the initial evaluative period, the employee may be dismissed only as provided in Article VIII.

Section 16. Promotion

Candidates for promotion shall be chosen on the basis of their qualifications, and strong consideration for filling positions shall be given to employees already in service with the County whenever appropriate and possible in coordination with the Succession Planning Program. Such internal candidates must be in good-standing on their current job assignment and be qualified by background and experience for the open position. If a current employee is chosen for promotion, the Office/Agency Director shall forward the request to the County Manager with recommendations for classification and pay along with reasons for selecting the employee over other applicants. After considering the Office/Agency Director's recommendation, the County Manager shall confirm or reject the promotion. Employees chosen for promotion prior to their anniversary date (and thus their annual evaluation) will receive a promotional increase, if appropriate, but will not be eligible for a merit increase until after they have been in the newly promoted position for six months. At the six month anniversary of the promotion, the employee is eligible for a performance evaluation and, if earned, a merit increase. Thereafter, the employee's eligibility date for annual performance evaluation and earned merit, if any, reverts to their original anniversary date.

Section 17. Demotion/Reassignment

An employee whose work is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in another position. If such a demotion is to be made in accordance with the procedures in Article VIII, pay and classification shall be affected accordingly, to no less than the minimum of the new pay grade. The employee shall be provided with written notice citing the recommended effective date of the demotion, the reasons for the demotion, and the appeal rights available to the employee as stated in Article VIII of this policy.

If such a demotion is to be made for non-disciplinary reasons such as reorganization and changing County needs, it shall be termed "reassignment" and pay and classification may or may not be affected as determined by the department head and County Manager. The employee shall, in such case, be provided with written notice citing the recommended effective date of the reassignment and the reasons and details involved.

Section 18. Transfer

If a vacancy occurs and an employee eligible for transfer wishes to be considered for the appointment, a written request and application must be forwarded to the Human Resources Director during the recruitment period for the position. The request for transfer shall be subject to approval of the County Manager.

Any employee who has successfully completed a initial evaluative period and is in good standing with their current Office/Agency may be transferred to any other position without serving another initial evaluative period. Initial evaluative employees may also be considered for transfer provided that they have served at least 90 days of their initial evaluative period and are in good standing within their current Office/Agency. If chosen, such initial evaluative transfers will serve the remainder of their initial evaluative period within their new Office/Agency. An evaluation will be done by the new

Office/Agency at the completion of the first 12 months. Such a transferred initial evaluative employee may be a candidate for an extended initial evaluative period if necessary.

An employee who wishes to accept a voluntary transfer to a position with less complex duties and reduced responsibilities with a lower classification/pay grade may request such providing that a vacancy exists for the position for which the request is being made. Such a voluntary demotion is not a disciplinary action and is made without using the procedures in Article VIII of this policy.

Section 19. Resignation

A minimum of two (2) weeks notice is expected of all resigning personnel except for department directors, who shall give a minimum notice of 30 days. Where the positions are of a highly skilled or technical nature, and/or where replacement may require extensive screening, a notice greater than two (2) weeks is desirable.

- All notices of resignation should be in writing.
- Resignations should be directed to Department Directors or in the case of a Department Director to the County Manager or the appropriate appointing authority.
- **Three consecutive days of absence without contacting the immediate supervisor or Office/Agency Director is considered to be job abandonment and a voluntary resignation (barring proven medical documentation that would prevent such contact).**
- Vacation leave pay will be retained by the County if a minimum of two (2) weeks notice is not worked. In other words, the leave pay will be forfeited if the required notice is not given and worked.
- “Physical” receipt of letter of resignation is deemed acceptance by the County, provided that the supervisor or Office/Agency Director signs and dates to notate receipt.

Section 20. Residency Requirement

All Office/Agency Director level employees of Haywood County are required to maintain legal residence within Haywood County. A legal residence is defined as a permanent home and principal residence, to which, if temporarily absent, you intend to return. New appointments to Office/Agency/Department Director positions who do not reside in the County at the time of employment, shall relocate to the County within six months of appointment. Any exceptions to the residency requirement must be approved by the Board of County Commissioners on an individual basis.

Section 21. Pre-Orientation Procedures for Office/Agency Director or Supervisor

Orientations will be held every Monday afternoon starting promptly at 2:00 p.m. Depending upon the size and composition of the group, the orientation should last for approximately 1 ½ to 2 hours. If this date should change, you will be notified via e-mail.

In order for the Human Resources Department to ensure timely addition to the payroll, the following steps are absolutely essential prior to employee orientation:

1. The signed Personnel Action Form (PAF) must be physically submitted to the Human Resources Office Personnel Assistant no later than Wednesday prior to the orientation scheduled for Monday afternoon (you may leave these in an envelope in the box outside the door in the event that the Personnel Assistant is out). This allows us to have time to prepare for the number and type of participants, including pre-made packets.
2. Since not all employees will begin work on a Monday, please notify the Human Resources Director no later than Wednesday prior to the orientation scheduled for Monday via e-mail on which Monday each individual new hire will attend orientation. Employees must attend orientation to complete paperwork prior to being placed on payroll.
3. The new hires must bring with them to orientation proper identification before coming to orientation. The U.S. Department of Homeland Security accepts only certain documents. Most commonly used are Driver's License and Social Security Card, but you may refer to the back of the I-9 form to see what other documents are acceptable. If proper identification is not produced in three days from the date of hire, the employee can not and will not be placed on the County payroll. Please refer to the I-9 form for instructions.
4. Make sure that the new hires have dates of birth and Social Security numbers for any beneficiaries they will wish to designate on their various benefit forms. This is required.
5. At the orientation, new hires will be informed about the ID Badge and Time Clock procedures, and may be asked to call back the following week to set an appointment to have their badge made and employee ID number issued once they are entered into the system.
6. The employee will receive a packet outlining all benefits and policies during the orientation.

Article V. Conditions of Employment

Effective Date: 2/2/2009

Revision Date:

Section 1. Workweek

The standard workweek for all employees of the various departments of the County, with the exception of law enforcement, emergency medical service personnel, and E911/communications, shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Office/Agency Directors shall work the hours necessary to ensure the satisfactory performance of their Office/Agency, but not less than forty (40) hours per week. When the activities of a particular Office/Agency require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

Section 2. Gifts and Favors

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

Section 3. Political Activity Restricted

- A. Every employee of Haywood County has the privilege to promote civic responsibility and to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and the laws of the state of North Carolina and the constitution and the laws of the United States of America. However, while on duty, no employee of Haywood County shall ----
1. engage in any political activity;
 2. use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 3. be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
 4. coerce or compel contributions for political or partisan purposes by another employee of the County; or
 5. use funds, supplies, or equipment of the County for political or partisan purposes.

- B. Any violation of this section may subject the employee to dismissal or other disciplinary action.

Section 4. Workplace Harassment Policy

Haywood County strictly forbids harassment of employees which includes, but is not limited to conduct (as well as oral, written, gestures, graphics, or physical) directed against any person or group of persons because of race, color, religion, sex, national origin, military or veteran status, disability, age, or any other characteristic protected by applicable law, which has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment for that person or group of persons. Due to Haywood County's zero tolerance policy, such harassment constitutes unacceptable personal conduct and is subject to immediate disciplinary action up to and including dismissal. Harassment of employees by Supervisors or co-workers is forbidden in any form. Employees who witness or believe themselves to be the victim of harassment are required to report it immediately to their supervisor or other management personnel or Human Resources.

4.1 Harassment: Unlawful workplace harassment is unwelcome or unsolicited comments or conduct based upon race, color, religion, sex, national origin, military or veteran status, disability, age, or any other characteristic protected by applicable law, which offends another employee and creates a hostile work environment.

4.2 Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or a condition of an individual's employment,
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- C. Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kind of conduct included in the definition of sexual harassment are:

- A. Threats or intimation of sexual relations or sexual contact that is not freely or mutually agreeable to both parties.
- B. Continual or repeated verbal references of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person; or propositions of a sexual nature.
- C. Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances or may be positively affected by submitting to sexual advances.

- D. Any unwelcome verbal comments, or non-verbal physical advances of a sexual nature, or non-sexual hostile or physically aggressive behavior, directed to an employee because of such employee's sex, which either (1) affects such employee's conditions of employment, (2) interferes with such employee's ability to perform his or her job, or (3) creates an intimidating or hostile work environment.

4.3 Hostile Work Environment: Hostile work environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and how it interferes with an employee's work performance.

4.4 Responsibilities:

The County Manager and the Human Resources Director are responsible for providing direction and support to staff and personnel in monitoring and enforcing the Workplace Harassment policy. The Human Resources Director is responsible for communicating the harassment policy, coordinating training, investigations of complaints, advising all parties in cases of alleged harassment, monitoring procedures and serving as a resource to employees and managers.

Office/Agency Directors and Supervisors must report all suspicions of harassment to the Human Resources Director.

Office/Agency Directors and Supervisors are responsible for maintaining a work environment free of all types of harassment. They must directly communicate the County's refusal to tolerate offensive behavior. Office/Agency Directors and Supervisors are in the best position to prevent harassment by being aware of daily activities in their Office/Agency and by investigating situations as soon as there is reason to suspect a problem, by their statements, by their personal examples and by their sensitivity to interactions between subordinates such as off-color or offensive jokes or comments, sexually oriented or other offensive horseplay, or any actions or statements, which are not in keeping with the Workforce Harassment policy.

Employees are expected to treat other employees with respect and consideration, realizing that standards of acceptable language and conduct are different for different people, and that behavior which may be acceptable in a congenial social setting may be inappropriate for work. Employees are expected to show good judgment in the area of relations between employees to avoid actions, which violate another person's right to a workplace free of any kind of harassment.

4.5 Making Complaints and Reporting Violations:

If, despite the regulations above, offensive behavior occurs, the employee should first tell the perpetrator to stop the behavior. Second, the employee should notify his or her immediate supervisor of the situation. If the complaint of harassment is against the immediate supervisor, the employee should report the situation to the next level of Office/Agency supervision. If you are a victim of harassment, and at any point in the process prefer to do so, you may report the situation directly to the Human Resources Director. It is preferred, but not required, that such reports be in writing.

Any employee, supervisor or Office/Agency Director who observes harassment shall make a written report to the Human Resources Director immediately.

4.6 Investigation of Complaints and Reports of Harassment

The confidentiality and the dignity of those involved in a complaint is important. Every effort will be made to keep the complaint as confidential as possible. However, due to the nature of conducting an investigation and allowing a fair hearing for all parties, confidentiality cannot be guaranteed. Reports will be distributed only to persons having a need or right to know.

4.7 Retaliation

No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resources Director.

Employees involved in any investigations, whether as claimant or alleged harasser, witness or investigator, should keep all discussions or communications confidential. Harassment investigation files will remain separate and apart from personnel files. Neither the claimant nor the alleged harasser nor any witness to the matter has a right to the contents of these files. Any personnel action, such as discipline resulting from an investigation shall be filed in the employee's personnel files.

4.8 Penalties and Violations

Haywood County has a zero tolerance policy. Valid complaints which meet the definition of harassment will be considered conduct unbecoming to a public officer or employee and will result in immediate discipline of the offender up to and including suspension, demotion or dismissal.

Haywood County will take appropriate disciplinary action, up to and including termination of employment, when a bad-faith and/or intentionally false accusation of harassment has been made.

Section 5. Employee Anti-Fraternalization Policy

Haywood County depends on positive employee morale and good team working relationships. The County recognizes that sometimes personal relationships can develop between people who work together. Unfortunately, sometimes attractions are not mutual, and these situations can develop into sexual harassment complaints. In addition, relationships between supervisor and subordinate often cause morale problems or misperceptions about assignments and favoritism on the part of other employees in the work group. For these reasons, the County has developed the following policy concerning personal relationships between employees.

An employee who is dating, or is romantically, sexually or otherwise overly personally involved with, or living with another employee will be prohibited from:

supervising that employee, or making or influencing decision or recommendations for raises, promotions, discipline, assignments, transfers, salary administration, or related management or personnel considerations for that employee.

In addition, all employees who are managers/supervisors or above are prohibited from dating, engaging in a romantic or sexual relationship, or establishing a live-in relationship with employees within the departments for which they have responsibility, regardless of whether there is a direct supervisory relationship.

If such a relationship develops or exists, the employee(s) must contact the County Manager and hiring authority immediately. All information shall be maintained in accordance with the Personnel Privacy Act.

Both parties will have the opportunity to provide input on who shall be either reassigned, separated from employment, or removed from his/her position of authority. If the parties cannot reach an agreement voluntarily, the County Manager will decide based upon the best interest of the County.

No action shall be taken pursuant to this policy in violation of any local, state or federal laws against discrimination on the basis of any protected status.

Section 6. Outside Employment

The work of the County takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be approved by the employee's Office/Agency Director before such work is to begin.

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Haywood County. All employees will be judged by the same performance standards and will be subject to Haywood County's scheduling demands, regardless of any existing outside work requirements.

The Office/Agency Director and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service. Outside employment will present a conflict of interest if it has an adverse impact on Haywood County. If Haywood County determines that an employee's outside work interferes with performance or the ability to meet the requirements of Haywood County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Haywood County. The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

Section 7. Limitation on Employment of Relatives

As of the approval date of this policy, no two members of an immediate family shall be employed within the same department. For employees hired prior to the date of this publication, no such employment will result in one member supervising the other or in one member occupying a position

that has influence over the other's employment, promotion, pay administration, or related management or personnel considerations.

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

The provisions of this section shall not be retroactive, and no action will be taken concerning members of the same family employed in conflict with this policy before the adoption of this Manual.

The Board of County Commissioners shall approve the appointment by the Sheriff, Tax Collector, or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin.

Section 8. Travel Expense and Reimbursement

Effective Date: 2/2/2009

Revision Date: 9/7/2010

Vehicles owned by the County will be provided for certain personnel for County business. County vehicles are not to be used for personal purposes.

Travel on official County business outside Haywood County must be authorized by the Office/Agency Director. Out of state travel must be approved by the County Manager. A written request for travel must describe the travel requested, the purpose of the proposed trip, and the period of time away from the County.

County employees and officials traveling away from the County on official business, including but not limited to travel for training necessary to maintain credentials, licensure, or vital job-related knowledge, will be paid or reimbursed by the County for mileage, lodging, meals, and other expenses as established by the Board of County Commissioners, as follows.

Travel reimbursements and per diem requests should be submitted on the Statement of Travel Expenses form. Travel advances for hotel accommodations should be submitted on a Check Request form. The employee is responsible for completing the form accurately and with sufficient information, including attaching the appropriate paperwork so that a third party reviewing the form can be confident the reimbursement is justified. An agenda or other supporting documentation for the workshop, conference or seminar must be provided with each request. The finance department has the responsibility to monitor all requests for travel advances and reimbursements. Any discrepancy must be reconciled with the appropriate office/department head or designee.

Transportation Expense - A county vehicle will be provided for travel when a vehicle is available. An employee's personal vehicle may be used when a county vehicle is not available. The employee will be reimbursed for mileage at the federal standard mileage rate. A record of mileage driven must be maintained on the Statement of Travel Expenses with sufficient information so that payment can be made and a third party reviewing the form can be confident the reimbursement is justified. As a last resort, employees may rent a vehicle to use for travel. Haywood County has an account with a local leasing company and will write a check directly to them.

When necessary, air travel will be reimbursed. Written pre-approval from the county manager is required for all air travel. The employee is responsible for finding the lowest reasonable fares and must fly coach.

Accommodations - Accommodations for overnight stays should be paid directly to the hotel. The employee is responsible for finding adequate and reasonable, non-luxury accommodations. A confirmation with rates and confirmation number should be submitted on a Check Request form along with an agenda or other supporting documentation for the workshop, conference or seminar. Please submit the paid receipt to the finance department upon your return.

Meals and Incidentals - Meals will be advanced or reimbursed based on standard federal per diem rates that the county allocates on a per meal basis.

Meals provided by the conference must be excluded from the per diem request. The county manager may, in unusual circumstances, approve meals to be reimbursed at a rate higher than current standard per diem rates. Tips and snacks are considered incidental expenses and are included in the per diem amounts.

Day Travel - One day or partial day travel outside of county boundaries can be reimbursed if travel is business related and outside of normal daily duties. Transportation will be reimbursed as discussed above. Meals may be reimbursed if being away is the result of attending a formal workshop, conference, or seminar and the meal is not provided by that workshop, conference, or seminar.

Registration Fees - The county will reimburse for conference, convention, or training registration fees but prefers to pay the fees in advance directly to the vendor. A paid receipt must be provided for reimbursement. An agenda or other supporting documentation must be included as backup whether requesting an advance or requesting reimbursement.

Other Travel Expenses - Reimbursements can be provided for other travel expenses with a paid receipt. Examples of other travel expenses include the following:

- Parking fees
- Taxi fares
- Toll fares

Non-reimbursable expenses - Examples of non-reimbursable expenses include, but are not limited to:

- Alcoholic Beverages
- In Room Movies

Other Travel - Traveling with a non-county employee or family member is permitted. The county will not reimburse for expenses incurred by the secondary party. The county will reimburse for meals and accommodations for the employee only, the employee is responsible for any additional costs associated with the secondary party.

Section 9. Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Haywood County presents to the community.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees should consult their supervisor or department head if they have questions as to what constitutes appropriate attire. Outside of those employees required to wear uniforms, this shall indicate a professional and modest appearance when on duty. Office/Agency Directors and/or supervisors are responsible for seeing that employees under their direct supervision, present a professional appearance.

Section 10. Use of County Property

Use of property owned or leased by the County is intended for official County business only. Property including supplies, tools, materials, lawn and yard equipment and other equipment are not for personal use and should not be removed from County premises except in the conduct of official County business. Violations of this policy will result in disciplinary action and/or dismissal pursuant to Article VIII Section 4.

Section 11. Age/Disability Limitations

The minimum age for regular employment with the County is 18, except for law enforcement officers who must be 21.

The County will not automatically require an employee to separate from County service because of having attained a certain age. However, early retirement or termination may be necessary if an employee is found physically or mentally unfit for the performance of his or her essential job duties. Each situation will be handled on a case by case basis.

The appointing authority may require a physical examination, at the County's expense, to determine the fitness of an employee to continue employment. The County will submit a job description and fitness for duty evaluation form to be presented to an independent medical evaluator. Based upon medical reports and performance evaluations the appointing authority has the final authority to terminate employment for lack of fitness for the job.

In all cases, a separation for disability will 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. In order to separate an employee based on a physical or mental disability, the County must determine that the person cannot do his/her essential job functions, with or without reasonable accommodation. Before an employee is separated for disability, a reasonable effort shall also be made to locate alternative positions within the County's service for which the employee may be suited.

Section 12. Tobacco Free Workplace Policy

Haywood County strives to maintain a healthful environment for its employees and clients. Tobacco is recognized as a carcinogen and is to be eliminated from work areas. All Haywood County buildings and vehicles are designated as tobacco-free. The Public Buildings and Maintenance Department shall designate that all Haywood County buildings and grounds are tobacco and smoke free. Elected Officials, County Management and Office/Agency Directors will assure that there is no tobacco use or smoking in County buildings or County vehicles.

Definitions:

- “Tobacco” is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff and other items containing tobacco or tobacco products.
- “Tobacco use” is defined to include smoking, chewing, dipping or any other use of tobacco products.
- “Smoking” is defined as inhaling, exhaling, burning, or carrying any lighted cigar, lighted cigarette, or other lighted tobacco product in any manner or form.
- “Spit tobacco” is defined as any tobacco product that is chewed, dipped, spit, or held in the mouth in any manner or form.
- “Tobacco product” is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff, and any other items containing tobacco.
- “Bidis” are small, thin hand-rolled cigarettes, often flavored, imported to the United States. They have very high concentrations of nicotine, tar, and carbon monoxide.
- “Blunts” are cigars that have been hollowed and refilled with marijuana.
- “Employee” is defined as any individual employed part-time, temporarily or full-time with Haywood County.
- “Grounds” is defined as property owned or leased by Haywood County for use as specified above, to include: buildings and grounds, parking lots, walkways, ramps, and all county-owned vehicles.

Procedure:

1. Appropriate signage will be posted at all building entrances and on the grounds.
2. Copies of this policy will be distributed to ALL employees and employment applicants when interviewed.
3. Employees who use tobacco and would like to take this opportunity to quit are encouraged to participate in cessation programs.
4. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of all staff. All individuals share in the responsibility for enforcing and adhering to the policy.
5. Any problems with enforcement or adherence to this policy should be brought to the attention of the appropriate supervisor and handled through the normal chain-of-command. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other department policies.
6. Adoption of this policy is being announced in advance of the effective date to allow a smooth transition to a tobacco-free workplace.

Section 13. Drug-Free and Alcohol-Free Workplace

Purpose and Scope of Policy

- The purpose of this policy is to maintain a drug- and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs, the improper use of prescription drugs, and the use of alcohol.
- Employees with substance-abuse problems are encouraged to voluntarily seek help from the employee assistance program. However, employees who fail drug or alcohol tests may be disciplined, up to and including termination.
- All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Haywood County will take all necessary steps to safeguard the dignity and self-esteem of those being tested and will ensure adherence to all procedures pertaining to the implementation of this policy. Haywood County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- Participation in a counseling, treatment, or rehabilitation program for drug and/or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the County of being a drug user/abuser or alcohol abuser.

13.1 Drug & Alcohol Tests Required by U.S. Department of Transportation

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

- A. **Pre-placement.** Before a covered employee initially performs safety-sensitive functions for Haywood County, he or she must undergo testing for drugs. Covered applicants for employment or current covered employees transferring into a position that requires testing must pass a pre-placement drug test.
- B. **Post Accident.** Post-accident testing must be conducted on any driver or any safety-sensitive employee, including those not in the vehicle (e.g., maintenance personnel), whose performance could have contributed to an accident or moving vehicle accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation and an individual suffers a bodily injury and immediately receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed.
- C. **Reasonable Suspension.** A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has used alcohol as defined in this Policy.
- D. **Random Testing.** Employees designated as safety sensitive, as defined by the DOT guidelines, will be tested on an unannounced basis throughout the year.

- E. **Return to Duty.** An employee who has a positive breath alcohol test of 0.04 or greater will not be allowed to return to duty in the performance of a safety-sensitive function until he or she has been evaluated by a substance abuse professional and until he or she tests negative – less than 0.02 – on a return-to-duty alcohol test.
- F. **Follow-up.** Once allowed to return to duty, an employee who has been determined by the evaluating substance abuse professional to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months following return to duty as prescribed by the evaluating substance abuse professional.

13.2 Drug and Alcohol Abuse and Testing Policy for All County Employees

- A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- C. Employees who are terminated as a result of a violation of this Policy shall be referred to the employee assistance program for evaluation and further counseling or treatment by a substance abuse professional.
- D. An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred-eighty-day performance probation, and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return-to-work provisions as outlined in this Policy. Refusal to comply with the rehabilitation program prescribed by the substance abuse professional will result in termination. However, before proceeding with disciplinary action, the employee's Office/Agency Director must assure that the facts of the case are reviewed by the Human Resources Department. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.
- E. No employee shall use alcohol within (12) twelve hours before going on duty and/or operating, or having physical control of County owned equipment, commercial motor vehicle or transit service vehicle.
- F. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. An employee who reports to work and whose breath alcohol test result indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.
- G. When there is reasonable suspicion (See Section 3, Definitions) that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee may be terminated. If the employee tests positive and Office/Agency management concludes that alcohol or drug consumption occurred while not on the job, the employee shall receive appropriate discipline, up to and including termination, as outlined in this policy.
- H. A reasonable-suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion following the accident. If the test is not administered within two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours

following the determination of reasonable suspicion or following the accident, the supervisor shall cease attempts to administer the test and must document reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame, the following should occur:

- a. No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or
- b. Twenty-four hours have elapsed following the determination of reasonable
- c. suspicion.
- d. No employee may refuse to submit to an alcohol test as required by the regulations.
- e. A written record shall be made of the observations leading to a reasonable-suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.
- f. A post-accident drug/toxicology screen shall be administered within thirty-two hours following any county employee involvement in an on-the-job moving vehicle accident.
- g. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test.
- h. No employee may refuse to submit to a drug test required by these regulations. No employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
- I. an employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater that is not terminated shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test.
- J. The employee shall be removed from duty without pay for this twenty-four hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.
- K. Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Selected employees will be transported to the designated testing location. Random testing for drugs and alcohol shall be conducted at the rate mandated by DOT and/or County policy.
- L. A drug and alcohol test will be included as part of the promotion/transfer selection process for employees determined to be final candidates for all positions, particularly for those requiring a commercial driver's license for positions requiring a physical examination and for positions that are safety sensitive.
- M. An employee who tests positive for alcohol must submit to a return-to-duty breath alcohol test before resuming the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02. A return-to-duty breath alcohol test result of 0.02 or greater that does not result in termination will result in a five-day suspension without pay. A return-to-duty breath alcohol test of 0.04 or greater will be considered as the second positive alcohol test within a five- year period and will result in termination.
- N. An employee who refuses to submit to, or fails to follow through with, a drug or alcohol test when testing is required by this Policy will be terminated. However, before

- proceeding with disciplinary action, the employee's Office/Agency Director must assure that the facts of the case are reviewed by the Human Resources Department.
- O. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, a urine test shall be performed (or visa versa). If the employee is unable to provide either sample, the Human Resources Department and the Office/Agency Director shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision, an evaluation from a licensed physician acceptable to Haywood County addressing the employee's medical ability to provide the adequate amount of breath or urine. If there is not a medical reason acceptable to management for the employee's inability to provide the required sample, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.
 - P. An employee who does not pass the drug or alcohol test and is terminated may not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.
 - Q. Employees are responsible for a thorough understanding of the effects and potential side effects of any prescription drug, over-the-counter drugs, or other substance that might impair their ability to satisfactorily perform duties if they have used or intend to use such drug(s) prior to beginning work or while on duty.
 - R. The medical review officer provided by our designated provider will review the findings of a drug test with the employee to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.
 - S. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work.
 - T. Those employees covered by North Carolina or Federal Department of Transportation (DOT) guidelines must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. A follow-up breath alcohol test result of 0.04 or greater will result in termination. A follow-up breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay. A second such occurrence of a follow-up breath alcohol test result of 0.02-0.039 within the prescribed sixty-month period will result in termination.
 - U. If an employee is convicted of a violation of a criminal drug statute, the employee must notify his or her Office/Agency Director of the conviction within five days after such conviction. Failure to comply with this requirement will result in termination. It is strongly suggested that an employee charged with such a violation notify his/her Office/Agency Director immediately.

13.3 Applicant Testing

1. Applicants determined to be final candidates for commercial driver's license positions will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made.
2. Applicants determined to be final candidates for positions requiring a commercial driver's license or positions designated as safety sensitive by DOT guidelines will also be required to submit to an alcohol screening. The alcohol screen shall be performed within forty-eight hours from the time the conditional job offer is made.
3. The applicant must have a breath alcohol test result of less than 0.04 to be considered for employment. Applicants for temporary positions requiring a commercial driver's license, or positions designated as safety sensitive by DOT guidelines, will be required to submit to a drug and alcohol screening within forty-eight hours from the time the conditional job offer is made.
4. Candidates for other temporary positions should be required to submit to a drug screen within forty-eight hours from the time the conditional job offer is made if the Office/Agency determines that the nature of the job and the length of the assignment justifies a test.
5. An applicant will have four hours from the time the test is requested to provide an acceptable urine specimen. An applicant who refuses to submit to, or fails to follow through with, the drug test as required, will not be considered for employment for a two-year period.
6. An applicant who does not pass the drug test as required will not be considered for employment.
7. Any applicant covered by the provisions of the DOT alcohol-and drug-testing guidelines whose breath alcohol test result indicates an alcohol concentration of 0.02 or greater will not be considered for employment.

13.4 Compliance with Law

- A. Information regarding the testing and referral of employees and applicants under this policy will be treated as confidential in accordance with the requirements of federal and North Carolina law governing the privacy of employee personnel records.
- B. Searches and seizures are to be conducted in a legal manner as defined by County policy and the laws of Haywood County and the State of North Carolina. Haywood County reserves the right to conduct searches or inspections of property assigned to an employee whenever a Office/Agency Director or his or her designee determines that the search is reasonable under all the circumstances.

13.5 Supervisory Responsibilities

Every supervisor shall:

- A. Consistently apply this Policy to all employees under his/her supervision. A

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

- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his/her supervision, when such employee is on duty, has an illegal drug or alcohol in his/her system or is using any legal drug in a manner other than it was intended or prescribed.
- C. Insure that employees he/she supervises are aware of the requirements and potential disciplinary consequences of this Policy.
- D. Follow the procedure established by the Office/Agency Director for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of drug use or who have had a breath alcohol test result of 0.02 or greater are transported home – either by personal family/friends or by arranged transportation.

13.6 Employee Responsibilities

Every employee shall:

- A. Abide by this policy as a condition of hire and employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation use or possession of illegal drugs, alcohol, or prescription drugs.
- C. Assure that his/her ability to perform his/her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on “on call” status. Should any employee be requested to report to work earlier than his/her normal or previously assigned time, it is the employee’s responsibility to advise his/her supervisor of an inability to perform his or her job duties or that he/she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employees shall be considered on disciplinary leave without pay if he/she is unable to report to duty due to drug or alcohol use. An employee may also be subject to other disciplinary action due to inability to report for duty due to drug or alcohol use.
- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.
- E. Notify his/her Office/Agency Director, if convicted of a violation of a criminal drug statute within five days after such conviction.

Section 14. Procurement of Contractual Services

No employee, officer, or agent of Haywood County shall participate in the selection, award, or administration of a partner, or organization in which they or an immediate family or partner has a financial interest or with whom the employee is negotiating or has any arrangement concerning prospective employment. The officers, employees or agents of Haywood County shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors.

Section 15. Immigration Law Compliance

Haywood County is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Haywood County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law issues without fear of reprisal. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department.

Section 16. Workplace Violence

It is the intent of Haywood County to provide a workplace for County employees that is free from violence by establishing preventive measures, holding perpetrators of violence accountable and by taking preventive measures whenever reasonably possible. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job, as well as impacting the potential well-being of fellow employees. In implementing this policy, the County is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the likelihood of violence in the workplace and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as the County's Employee Assistance Program, law enforcement and applicable personnel policies and procedures.

16.1 Workplace Violence Coverage

This policy applies to County full-time and part-time employees with permanent, initial evaluative, trainee, time-limited permanent or temporary assignments, exempting only certified law enforcement officials in the course and scope of performance of official duties. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a County employee's ability to perform the assigned duties and responsibilities.

16.2 Prohibited Actions & Sanctions

It is a violation of this policy to:

- *Engage in workplace violence or to threaten or intimidate by show of physical force,
 - *Use, possess or threaten to use a weapon during a time covered by this policy, and
 - *Misuse authority vested to any employee of the County in such a way that it violates this policy.
- *Per Haywood County General Regulation Chapter 96 and pursuant to N.C. G.S. § 14-415.23 and N.C. G.S. § 14-415.11, it is unlawful and a violation of N.C. G.S. § 153A-129 for any person or employee to display a handgun on any real property owned, leased, occupied or controlled by Haywood County. Further, it is unlawful and a violation of N.C. G.S. § Chapter 14, Article 14, Article 54B for any person to carry a concealed handgun on any real property owned or controlled by

Haywood County. As provided in N.C. G.S. §14-415.10 (1), the term carrying a concealed handgun includes the possession of a concealed handgun. No employee may carry or possess a concealed handgun on or about his or her person or vehicle while the employee or vehicle is located on property owned, leased, occupied or controlled by the County. Further, no employee of the County may carry or possess a concealed weapon on or about his or her person or vehicle while in the course and scope of his employment with the County.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action Suspension and Dismissal section of the County Personnel Policy with resulting disciplinary action up to and including dismissal. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal.

Advisory note: When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. The County's Employee Assistance Program (EAP) will assist agencies by facilitating a referral to an appropriate resource for this assessment. The EAP will maintain a network of appropriate professionals trained to conduct a risk assessment.

16.3 Support and Protections

The County shall make reasonable efforts to protect employees from workplace violence.

16.4 Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Reasonable effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence. However, due to the nature of conducting an investigation and allowing a fair hearing for all parties, confidentiality cannot be guaranteed. Reports will be distributed only to persons having a need or right to know. No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of actual or potential workplace violence or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resources Director.

Haywood County will take appropriate disciplinary action, up to and including termination of employment, when a bad-faith and/or intentionally false accusation of harassment has been made.

16.5 Reporting Responsibilities

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and the general public. Employees shall place safety as a high concern, and shall report all acts of violence and threats of violence.

16.6 County Responsibility

The County shall:

- Develop a comprehensive training module and other awareness materials through the Human Resources Department and the County Safety Committee.
- Human Resources will provide resources to employees via the County EAP and the Safety Committee critical incident stress debriefings for employees related to trauma and victimization.

Section 17. Discipline for Arrest due to Criminal Charges

The County may also impose discipline when an employee's misconduct results in criminal charges that have the potential to negatively reflect upon and/or impact the County's ability to carry out its mission. Office/Agency Directors will consult with the County Manager and the Human Resources Director regarding disciplinary/adverse action, which may include but are not limited to, suspension without pay while the charges are pending. The timing and nature of any disciplinary action may depend upon the nature of the charge(s) and/or the outcome of the criminal charges against the employee. Depending on the facts in each instance, disciplinary action (up to and including termination) may occur prior to the criminal charges being fully processed in the courts.

Section 18. Haywood County Internet and Computer Use Policy

Haywood County provides access to computer, E-mail and the Internet to assist employees in the performance of their duties. The facilities to provide this access represent a considerable commitment of County resources for telecommunications, networking, software, storage, support and computer systems. This policy is designed to help you understand our expectations for the use of these resources. First and foremost, all employees have the responsibility to use these resources in a professional, ethical and lawful manner. Computer, E-mail and Internet resources are a business tool provided to you at significant cost. All employees are expected to use such resources for County business related purposes. This may include communicating with other counties, municipalities, state, and federal agencies, researching relevant County business issues and topics, and obtaining useful County business information. All employees must respect copyrights, software licensing rules, property rights, privacy and the prerogatives of others, similar to other County business transactions. All existing County policies apply to conduct on the Internet, including, but not limited to, those involving intellectual property protection and software piracy, privacy, misuse of County resources, harassment, information and data security, and confidentiality. The County's security software may record for management use the Internet address of any site visited and keep a record of any network activity transmitted or any kind of file received. Any message sent or received may be recorded and stored in an archive file for management use. Any violation of this policy could lead to disciplinary action up to and including revocation of Internet privileges, dismissal, and/or criminal prosecution. All employees will receive a written copy of this policy, and must sign an acknowledgement, which should be received upon orientation.

By signing this agreement, you

1. Waive any right of privacy for anything created, stored, viewed, sent, or received on any Haywood County computer or networking equipment.
2. Have read and understand all of the above stated policy.
3. Understand what your responsibilities are under this policy.
4. Understand that you will be held accountable for all communications that you store, send, or receive using Haywood County computers or networking equipment.
5. Agree to abide by this policy.

18.1 Misuse includes, but is not limited to:

1. Allowing any person other than Haywood County Information Technology department to setup equipment, install software, hardware, perform updates, maintenance, or disconnect components from Haywood County computers or networking equipment. (Unless

- authorization has been granted via a written agreement from the Information Technology department.)
2. Installing software via CD(s), internet (download), floppy(s), thumb drives, etc. without first contacting the Information Technology department.
 3. Connecting personal devices to Haywood County computers or networking equipment, including but not limited to: personal equipment, cell phones, digital cameras, web cams, etc.
 4. Disconnecting Haywood County computer or network equipment.
 5. Using Haywood County owned equipment or an email account for a purpose that it was not intended, such as personal gain or commercial enterprise, i.e. E-bay.
 6. Unauthorized attempts to read, alter, change, execute, or delete files belonging to another user or stored on a Haywood County computer containing County data.
 7. Installing games on any Haywood County computer or networking equipment.
 8. Using a Haywood County computer or networking equipment to infringe copyright laws or make illegal copies without proper authorization from the legal owner.
 9. Intentionally viewing pornographic or sexually explicit material including but not limited to, means of Internet, Email, Floppy Disk, CD Rom, DVD, thumb drives, digital camera, web cam, chat or any other media using Haywood County computer or networking equipment, unless viewing of such materials is to assist in the investigation of a criminal case, in which the usage of this material is authorized by the Sheriff.
 10. Releasing or using confidential information of others, including but not limited to, data, passwords, codes, Social Security numbers, or any other information, which was not intended for public knowledge.
 11. Installing or using any peer-to-peer type programs, such as but not limited to Kazaa, Napster, or ShareZILLA.
 12. Using Haywood County computers or networking equipment in any way that would constitute gambling.
 13. Any attempt to "hack" or gain access to Haywood County computers or networking equipment.
 14. Deliberately allowing a non-Haywood County employee to access Haywood County computers or networking equipment from a remote location unless authorization has been granted via a written agreement with the Information Technology department.

Misuse *may* result in immediate termination of all Haywood County computer or networking equipment use, and personnel action in accordance with Haywood County Personnel Policies (See Article VIII, Section 4; Article V, Section 9), as well as criminal liability.

18.2 Email and/or Internet Use

1. No profanity or sexually or other offensive language shall be used in any computer related communications.
2. It is advised that confidential or HIPAA-protected information forwarded through email be properly encrypted.
3. Chain letters, self-replicating messages, and similar programs shall not be communicated through the County email system.
4. Do not attempt to hide your identity or place someone else's identity on your communications.
5. If an email attachment looks suspicious or if the sender is unknown the message should be disregarded and deleted.

6. Do not download software from the Internet without permission from the Information Technology department. All software downloads must be documented with Information Technology department.
7. Do not view, store, send, or receive communications which are discriminatory, harassing, obscene, pornographic, sexually explicit, or otherwise illegal unless, the material is aiding in the investigation of a criminal case and is authorized by the Sheriff.

18.3 Personal Use

Email and Internet use is a privilege, provided for County use. You are responsible for ensuring these tools are used properly. Please limit personal use to a minimum, keeping in mind that you do not have an expectation of privacy in anything created, stored, sent, or received using Haywood County computers and network equipment.

18.4 Monitoring

Haywood County computers and network equipment are monitored. Only personnel specifically designated by the Board of Commissioners or the County Manager with authorization to monitor computer and network activity may do so. All communications are property of Haywood County Government and are subject to public records law as outlined in Chapter 132 of the N.C. General Statutes. Monitoring includes, but is not limited to, viewing user files, screening email, monitoring screens and keystrokes, monitoring Web pages viewed, monitoring programs run, and monitoring chat sessions.

18.5 Employee Responsibilities include:

1. Each employee is responsible for the content of all communications that they store, send, or receive using any Haywood County computer, network, or communications equipment.
2. All email must be identified with your name and/or a valid email address.
3. Report any suspected misuse of Haywood County computer or networking equipment to the Information Technology department and to Human Resources.
4. Ensure that all passwords remain confidential.
5. Report any Web sites or email addresses encountered that could be harmful to computers, the network, or users.
6. Report to Information Technology department ANY VIRUS-LIKE ACTIVITIES IMMEDIATELY.

When using a Haywood County computer, network, or communications device, you represent Haywood County. It is expected that employees use good judgment and conduct themselves in a responsible and professional manner during all communications.

18.6 Violations

1. Misusing email, as stated above or otherwise, may result in temporary, or possibly, permanent loss of your email account.
2. Misusing Internet access in violation of the stated policy will be subject to corrective action in accordance with Haywood County Personnel Policies.
3. **Violating this policy in any way will result in disciplinary action, up to and including dismissal and/or criminal charges being filed.**

18.7 Reporting Violations

This policy is strictly enforced in order to continue providing these privileges to all employees. If you know of a possible violation, you are responsible for reporting it to your supervisor, the Information Technology department, Human Resources, or the Sheriff.

Section 19. Haywood County Cellular Phone Use Policy

This policy establishes guidelines to ensure that cellular service is used in Haywood County to improve customer service and to enhance efficiency of operations. The purpose of this policy is to ensure that cellular telephones and other cellular services used by Haywood County employees support County business functions to their fullest capacity. This policy complies with IRS regulations concerning taxable fringe benefits. Communication devices, such as cellular phones and PDA/smartphones, supplied by the County are considered by the IRS to be taxable fringe benefits. The County must implement a uniform approach to ensure compliance with these regulations. This policy advises employees and Office/Agency Directors of their responsibilities and provides guidance in managing the distribution and usage of cellular services for employees whose job duties require a cell phone.

19.1 ACCESS TO CELLULAR PHONES

Haywood County will provide cellular telephones to, **or** uniform departmental allowances for business use of personal cell phone for, employees when such business use of telephones will increase the level of service provided to the County's customers, increase the level of safety for the County employee, and/or satisfy legal requirements and for the convenience of the employer (this does not include the use of cellular phones to clock in, which is a convenience to the employee and may be achieved by alternate means if necessary). Uniform allowances for personal cell phone use are to be set by the Agency/Division head at no more \$40 per month, approved by the Finance Director, and will be included in payroll as a benefit.

A County cellular telephone shall be used for appropriate County business purposes. Such use is defined to be appropriate when an employee must make a call related to furthering County operations, does not have access to a regular County telephone, and the call cannot or should not wait until returning to the office. This includes but is not limited to employees whose duties involve public safety issues, on-call duties, employees who during the normal course of employment perform their duties away from their assigned work space, and employees who have a demonstrated need to be in contact with their offices. Offices/Agencies should limit the use of cellular phones, services and allowances to those employees who have a demonstrated and regular business need to have them. Other communication means such as land-line phones, network access, email, etc. should be used instead of portable communication devices whenever possible. The following criteria should be used to determine whether an employee is eligible for either a portable communication device or cellular allowance:

A. Reachable immediately: The employee's job duties and responsibilities are such that it is important that the organization be able to reach him/her and/or transmit data immediately, and the employee cannot be reached through more economical means.

B. On-call: The employee is in a paid on-call status outside of the workplace, and the employee cannot be reached through more economical means. An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

C. Non-Fixed location: The employee's job duties and responsibilities are such that they are not working regularly at a fixed location, and the employee cannot be reached through more economical means or must be able to communicate with vendors, customers, etc. at times and locations where a land line is not routinely available.

D. Travel: The employee's job duties and responsibilities are such that he makes frequent and/or prolonged travel outside of the Haywood County area and needs to remain in contact with his office or employees.

E. Safety: The employee's job duties and responsibilities are such that he needs a portable communication device for his safety or the safety of his clients, customers, or constituents.

Incoming calls on County Phones are allowed only when the calls relate directly to the employee's County duties and the Office/Agency Director is specifically responsible for regularly reviewing incoming calls via the cell phone. The County reserves the right to review, audit and inspect information residing in or transferred over all information systems, including Haywood County issued mobile/cellular phones, at any time, with or without notice, and such access may occur during or after work hours. Such reviews may include auditing of use to make sure there is enough use to merit the issuance of the County phone.

19.2 USE OF CELLULAR PHONES

Cellular telephone services, like other means of communication, are to be used to support County business and all communications should meet professional standards of conduct. Employees may use cellular telephones to communicate outside County government when such communication is related to legitimate business activities and is within their job assignments or responsibilities. Employees will not use cellular telephones for illegal, disruptive, unethical, or unprofessional activities or for personal gain or for any purpose that would jeopardize the legitimate interests of Haywood County. Special features that incur additional costs, such as text messaging, 411 assistance and emailing should not be used on County-provided phones except under special circumstances and should be approved in advance by the Office/Agency Director. Use can be monitored and retrieved from the cell phone carrier upon request.

No employee shall use a cellular phone or wireless handset to compose, read or send text messages, e-mail or any other similar activities while operating a County vehicle (anytime) and/or Personal Vehicle while performing duties and/or tasks related to County business. Per the Fleet Policy, cell phones are to be used only when the vehicle is in the parked position and off the road.

Cell phones, personal digital assistants (PDAs), and other portable electronic or computing device capable of transmitting data in the form of a text message are considered "wireless handsets."

A violation of policy is an offense that may result in disciplinary action, up to and including dismissal. The following individuals shall be exempt from this policy:

- law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, and fire safety officials in the course and scope of their duties;
- persons using a wireless handset to contact an individual listed above; and

- persons using a wireless handset inside a motor vehicle that is parked, standing or stopped and is removed from the flow of traffic or stopped due to the inoperability of the motor vehicle.

19.3 PRIVACY AND ACCESS

Office/Agency Director will routinely monitor cellular telephone statements of County-provided phones to ensure that actual cellular phone usage is commensurate with this Policy and will take reasonable precautions to prevent possible misuse of cellular telephones. Any use of a County cell phone in violation of this policy may result in, but is not limited to, one or more of the following actions: requiring a cell phone log detailing all calls, loss of cellular phone privileges, employee reimbursement of telephone charges, or appropriate disciplinary action up to and including discharge. Cellular telephone statements or summaries are public documents, which in certain circumstances may be disclosed.

19.4 ROLES AND RESPONSIBILITIES

In accordance with this Policy, Office/Agency Directors will:

- Ensure that this Policy is properly communicated to and implemented by all employees using cellular telephones
- Train staff in the appropriate use and be responsible for ensuring the security of cellular telephone devices and proper usage; and
- Ensure that cellular telephone usage within their departments is monitored on an ongoing basis and that any inappropriate use is dealt with in accordance with this Policy.
- Determine who will receive allowances, and the level of allowances (which will be run through Payroll per IRS regulations)
- Investigate possible misuse of cellular telephones when a reasonable suspicion of abuse exists or in conjunction with an approved investigation authorized by County management.

In accordance with this Policy, all cellular telephone users, including Office/Agency Directors and employees will:

- Recognize and understand that while these phones belong to the County, the employee is personally responsible, along with their Agency/Office Director, for making sure the phone is used in an effective, efficient, ethical and lawful manner, including responsibility for good care and maintenance of assigned mobile/cellular phone.
- Be held responsible for and reimburse Haywood County for the cost of any damaged or lost phone due to negligence, and that such may result in appropriate disciplinary action.

Personal phone calls are not allowed on County-provided mobile/cellular phones. Abuse of this policy may lead to disciplinary action.

In accordance with this Policy, the Finance Department will:

- Negotiate cellular telephone service contracts with cellular providers and maintain a central file of all cellular telephone service contracts for cellular phones provided by Haywood County; where applicable and reasonably justifiable, the County will use pre-negotiated state and federal contracts with cellular providers.
- Review rate plans periodically to determine if a change in the rate plan currently in place is necessary
- Handle any persistent problems with cellular service
- Facilitate the acquisition of cellular telephone service for cellular phones provided by Haywood County for all County departments, including the negotiation of and amendments to service plans, contracts, cancellation of service and all cellular devices (which shall include air cards and any other features or services of a cellular nature which are currently available or may become available in the future).
- Be designated by the County Manager to act as the authorized agent to negotiate contractual terms and place orders for cellular service.
- Pre-audit all County-provided cell phone contracts between Haywood County and cellular service providers in accordance with applicable laws and policies.
- Maintain copies of a cell phone agreement that must be signed by each individual who carries a County-provided cell phone.

The County Manager or his designee must approve and sign all County Cell Phone Requests or reimbursement requests at the Agency/Division Director level. The Agency/Division Director must approve and sign all County Cell Phone or reimbursement requests within their purview. This should be forwarded to the Finance Department on a Justification Form for approval.

19.5 ELECTED OFFICIALS

While elected officials are not governed by this Policy, they are encouraged to adopt this or a comparable policy to govern the use of cellular phones for their respective offices.

19.6 PERSONAL CELL PHONE USE WHILE AT WORK

Our goal is not to cut off communication, but to limit such personal communication to emergency situations. The use of a personal cell phone while at work may present a hazard or distraction to the user and/or co-employees.

Use of Cell Phones for Personal Use While at Work

Unless otherwise authorized, employees may only use personal cell phones at work for an emergency situation. This policy is meant to ensure that cell phone use while at work is both safe and does not disrupt business operations. Even in an emergency situation, please be as brief as possible and courteous to co-workers that are working in the vicinity. Cell phones are not to be used while operation of any motorized equipment. If such an emergency occurs, please stop and turn off the equipment, and move to an area safely away from the equipment and any other hazards.

Additional Cell Phone Functions and Services for Personal Use

In addition to telephone service, many cell phones or cellular providers offer a host of additional functions and/or services, including text messaging, surfing the web and digital photography. It is not possible to list all of the services that are now -- or may become -- available. Whether enumerated or not, employees are strictly prohibited from using any of these services while at work unless such usage is directly related to the course and scope of employment.

Discipline

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination.

19.7 AUTHORITY

This Policy shall supersede and rescind all previous promulgated cellular issuance and allowance phone policies and shall remain in effect until subsequently modified or rescinded.

SECTION 20. Secondary Employment With the County

It is County policy that employees may only hold a paying position within one County Department at a time. This policy applies to both full-time and part-time employees. This policy is intended to help the County with compliance with federal and state wage and hour requirements and to minimize confusion and the potential for errors by the Payroll Department due to different pay differentials and pay processes in the various departments.

If an individual currently holds, or is considering holding, a paid position in more than one County Department, he or she should consult with his/her supervisors and with Human Resources to determine which single Department he/she will work going forward.

Nothing contained within this Policy should be interpreted to prevent County employees from volunteering to assist with elections on a non-paid basis. All County employees will be permitted to use vacation or other accrued leave to volunteer their services during elections, but they should use proper scheduling procedures to alert their supervisors and/or Human Resources of the need for the time off from work.

SECTION 21. Reasonable Accommodation

In accordance with the Americans with Disabilities Act of 1990, Haywood County has adopted the following policy for addressing requests for reasonable accommodations made by people with disabilities in its services, activities, programs, policies, procedures, rules, and regulations.

Citizens seeking reasonable accommodations through the ADA should submit their request in writing* to:

ADA Compliance Officer/Fire Marshal's Office
215 North Main Street
Waynesville, NC 28786
(828) 45206717, ext. 207

A copy of the request should also be mailed to the Human Resources Director at the same address. If the ADA Compliance Officer wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the request and no further action will be required by the petitioner. The request will then be implemented by the appropriate County Department.

If the ADA Compliance Officer refuses the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance with the County Manager, in a format acceptable to the petitioner.

*Alternative means of filing a request, such as personal interviews, phone calls, or taped requests will be made available for persons with disabilities upon request if unable to communicate their request in writing.

Article VI. Holidays and Leave

Effective Date: 2/2/2009

Revision Date:

Section 1. Paid Holidays Observed

The following holidays, and such others as the Board of County Commissioners may designate, are holidays with pay for full-time County employees.

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

When Christmas falls on:

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

the County observes:

Friday and Monday
Monday and Tuesday
Monday, Tuesday and Wednesday
Tuesday, Wednesday and Thursday
Wednesday, Thursday and Friday
Thursday and Friday
Friday and Monday

All salaried employees appointed to a regularly established position, and all regular part-time employees normally scheduled to work on the day on which the holiday falls, shall receive these holidays with pay. For exempt, salaried individuals, this means that the person will receive his or her full normal pay for the week even though he or she did not work a full week due to the holiday.

Regular part-time employees are entitled to be paid for holidays in proportion to the number of hours scheduled to work. In other words, if an employee is ordinarily scheduled to work one-half time, then that employee would receive pay for one-half of the holiday.

Temporary employees not receiving benefits are not entitled to paid holidays.

Employees who wish to use leave for religious observances must request leave from their respective Office/Agency Directors. The Office/Agency Director will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the County.

Section 2. Effect of Holidays on Other Types of Paid Leave

Regular holidays that occur during an annual, sick, or other paid leave period of any officer or employee of the County shall **not** be charged as annual, sick, or other paid leave.

Section 3. Holidays - When Work is Required

With the exception of public safety employees, employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one (1) hour off for each hour worked on a holiday. Compensatory time for holiday work shall be used within three (3) months of the time it is earned.

Section 4. Adverse Weather Conditions (Revision 4-5-2010)

County Offices/Agencies/Departments shall remain open for the full scheduled workday unless authorization for a delayed opening or early closing to the public is received from the County Manager. All Offices/Agencies/Departments will be given sufficient notice of authorized delayed openings or early closing to the public. Employees will be notified by email and may call the "County Weather Information Line" at 828-356-2777 for information concerning deviations in public opening/closing times due to adverse weather conditions. The Facilities and Maintenance Department will make every effort to assure the safety of employees and the public. Employees are to report to work at their regular scheduled time for delayed openings and remain at work for early closings due to weather conditions. Employees are to be mindful of the weather conditions and be cognizant of the conditions, including wearing proper footwear to prevent slips and falls. Employees who leave work before the end of his/her schedule shift will be required to use earned compensatory time, personal or vacation time for hours taken if they wish to be compensated. Time off without pay must be taken if the employee has no accrued compensatory, personal or vacation time.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as scheduled. Employees who do not feel that they can make it to work due to adverse weather conditions must use compensatory, personal or vacation time for hours not worked. It is the responsibility of the employee to make the judgment about his/her personal safety concerning travel to and from work during adverse weather conditions. It is the employee's responsibility to notify his/her supervisor of any decision regarding a deviation from scheduled work hours. The County Manager has the authority to alter the regular business hours open to the public in the event of adverse weather conditions. The County Manager also has the ability to close County Offices/Agencies/Departments in the event that a State of Emergency is declared by the Governor of North Carolina. Employees must use compensatory, personal or vacation time if the decision is made to close County offices due to the declaration by the Governor.

Section 5. Vacation leave

For the purpose of earning and accruing vacation leave, the period of twelve (12) calendar months between January 1 and December 31 is established as the leave year. All regular full- and part-time*,

initial evaluative, and trainee employees shall accrue vacation leave at the following rate:

<u>Length of Service</u>	<u>Days Earned Per Year</u>
Less than 2 years	10
2 less than 5 years	12
5 less than 10 years	15
10 less than 15 years	18
15 less than 20 years	21
20 or more years	24

*Regular part-time employees will earn leave in proportion to the number of hours scheduled to work.

Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. On December 31, any excess over the thirty (30) days or 240 hours will be converted to sick leave. The accumulated leave of thirty (30) days or 240 hours will be carried forward to January 1 of the next calendar year.

Vacation leave shall be taken with the prior approval of the employee's Office/Agency Director. Vacation leave for Office/Agency Directors shall be taken with the prior approval of the County Manager, as applicable.

An employee who resigns or who involuntarily without fault (i.e. reduction in force) is separated shall be paid for vacation leave accumulated to the date of separation, which is not to exceed a maximum of thirty (30) days or 240 hours, provided they have satisfactorily completed their initial evaluative period and have given the appropriate notice. Compensation for accumulated vacation leave shall not be paid to any employee separated for reasons of performance, attendance or other cause. Such leave shall be forfeited. Any amount owed the County by the employee shall be deducted from the employee's final compensation.

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of thirty (30) days or 240 hours.

Section 6. Sick Leave

Sick leave is a privilege and not a right.

Employees may be granted sick leave for absence due to the following:

1. Sickness or bodily injury that prevents the employee from performing his or her regular duties, or the illness of the employee's child that requires their immediate care and attention (including FMLA eligible events).
2. Medical or dental appointments.
3. The actual period of temporary disability caused or contributed by pregnancy, miscarriage, childbirth, or recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.

5. Death in the employees immediate family, with a maximum of three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Office/Agency Director. [See funeral leave on page67]

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled working day. Sick leave may be taken only with the approval of the immediate supervisor.

Each regular salaried employee occupying a regularly established budgeted position (Full Time Equivalent or FTE) shall earn sick leave at the rate of one (1) day per calendar month or 3.70 hours bi-weekly. Regular part-time employees will earn sick leave in pro-rata proportion to the number of hours scheduled to work. Sick leave will be cumulative for an unlimited number of days. At the time of separation any sick leave owed the County shall be deducted from the employee's final compensation. Accumulated sick leave is not paid to the employee at termination or resignation but is instead forfeited.

For all absences due to illness extending beyond three (3) days or two consecutive twenty-four (24) hour shifts (EMS), a physician's certificate providing proof the employee was unable to work due to illness, injury, or illness in the employee's family, is required. At the expiration of an authorized sick leave period, the employee's Office/Agency Director or the County Manager may require a physical and/or mental examination at the County's expense and by a physician of its choice to determine if the employee is able to resume his or her normal duties.

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

Sick leave earned is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days' unused sick leave left over.

Unused sick leave earned from another North Carolina government agency and/or entity will be accepted and transferred to the County as follows:

1. The total number of days accepted as transferred will be added to the record after verification of accumulated sick leave is received in writing from the previous employer.
2. The credit for sick leave only applies to employees who come directly to the County from the previous employer with no more than one month's gap in service with a State or Local government employer.
3. The transfer must be completed within one (1) year of the employee's last working day with the previous employer.

No employee shall be paid for any accrued sick leave upon retirement, dismissal, termination or any other type of separation from the County.

Section 7. Leave without Pay

Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Office/Agency Director. The granting of such leave is at the discretion of the appointing authority and does not have to be granted. The employee may elect to use appropriate accrued leave before going on leave without pay status for reasons of personal or family disability or special work that will permit the County to benefit by the experience gained or the work performed. Such leave may be extended by the appointing authority for up to six calendar months at the convenience of the County.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining his or her accumulated vacation leave. The employee must use accrued vacation leave before requesting leave without pay.

Leave without pay may also be used by the County as a form of disciplinary action against employees who:

- take vacation leave without authorization; or
- do not notify their supervisors of the need to take sick leave as required by this Manual
- or as otherwise provided in this Manual.

The employee shall apply in writing to the appointing authority for leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to an equivalent position with equivalent pay. However, the employee's anniversary date will be changed to reflect the amount of time out of work and will also change the date for merit increases.

The employee may continue to be eligible for benefits under the County's group insurance plans through COBRA. See Article VII, Section 1. An employee ceases to earn leave credits on the date leave without pay begins.

If the employee decides not to return to work, the appointing authority should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

Section 8. Civil Leave

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

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

When an employee's obligation for jury or witness duty ends during the work day, the employee shall return to work as soon as practical. While on civil leave, benefits and leave shall accrue as though on regular duty. Exceptions: An employee who is a principal in private litigation shall not be entitled to

civil leave, but may take vacation leave or leave without pay for necessary court appearances with the approval of the appointing authority.

In addition, paid civil leave of up to three days duration may be requested by an employee needing time off in order to officially honor the military duty of an immediate family member. Such an employee has the right to appeal to the County Manager via letter explaining the circumstances of the request. Further days needed due to lack of accrued paid leave time may be acquired through regular Voluntary Shared Leave process upon approval by the Office/Agency Director, Human Resources, and the County Manager.

Section 9. Petty Leave

Each employee is entitled to earn petty leave at the rate of .692 hours per pay period with a maximum accumulation of 15 hours. The total of 15 hours may be carried over to the new calendar year. A maximum of three (3) hours of petty leave may be used at a time, upon approval of the employee's Office/Agency Director, for the following reasons:

1. Personal matters.
2. Time lost by reporting late to work.
3. Absences due to adverse weather conditions, not to exceed three (3) hours.

Unused petty leave will not be paid when an employee separates from County employment.

Section 10. Educational Leave

Effective Date: 2/2/2009

Revision Date: 9/7/2010

The County encourages employees to enhance their knowledge and skills as they relate to their job. Therefore, paid time will be granted in the following circumstance:

- A. Required Credentials, License or Certification - Paid time will be allowed for courses, conferences and seminars directly related to the particular job or field in which the employee works. In addition, the Agency/Department/Office Director shall work with supervisors and/or employees to ensure that the Agency/Department/Office budgets adequate funds to cover the full cost of such required courses, conferences, and registration fees, along with testing and any other fees or costs associated with attaining and maintaining credentials, licensure, certification, etc. The training may include refresher courses, academic or commercial courses.

In addition, extended educational leave may be granted in the following circumstances:

- B. Full-time, regular employees may be granted pay during normal working hours for training in a career-related course of instruction to enhance knowledge and skills for succession planning purposes. This leave may be granted only when a comparable course is not available after working hours. Attendance in such courses is considered to be voluntary and is not to be considered as hours worked. Consequently, compensatory time cannot be earned to attend such courses.

Full-time regular employees can request an alternate work schedule to attend courses without pay and the Agency/Department/Office Director shall decide whether or not to grant such leave.

C. Time away from work may not exceed actual time for classroom instruction for one course each semester or quarter, in addition to a reasonable amount of time for travel to and from the location of the course.

D. Courses taken for cultural and personal enrichment must be taken after normal working hours.

To be eligible for educational leave under Section B, the employee shall submit a letter requesting educational leave to his or her appointing authority, stating the nature and schedule of the course and how it would benefit the employee in his/her work. Extended periods for educational leave may be considered under the leave without pay provisions.

All educational leave must have the approval of the appointing authority.

Section 11. Funeral Leave

An employee shall be granted up to twenty-four (24) hours of funeral leave, with pay, in case of death in the employee's immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, in-law and step relationships derived from those listed, grandparents, and grandchildren. In other cases where a relative is not covered by the definition above, but where unusual circumstances warrant, funeral leave may be granted by the appointing authority. If additional leave is necessary beyond the three days, sick leave, vacation, or compensatory time may be taken.

Regular, part-time employees will be granted funeral leave in the same relation as to the regular hours worked. If the employee is normally scheduled to work four hours per day, then that employee would be allowed four hours of funeral leave per day for three days.

Temporary employees are not entitled to funeral leave.

Section 12. Family and Medical Leave

Purpose: To define policy and procedures with regard to leave under the Family and Medical Leave Act (FMLA). The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men. Eligible employees may take leave for the reasons set forth in Section 12.3 below.

NOTE: Workers' Compensation Leave - If an employee is out on workers' compensation leave drawing temporary total disability, the time away from work is considered as a part of the FMLA 12-week entitlement. FMLA and Workers' Compensation run concurrently (this is true for any elective disability policies as well) with any accrued time.

12.1 Eligibility

Employees who have completed 1250 hours of employment with the County in the last twelve months and have been employed by the County for at least twelve months in the last seven years are eligible for Family and Medical leave during each calendar year.

Haywood County will utilize a "rolling" twelve month period (rolling forward from the date of occurrence) for leave requests under this FMLA policy.

Employees will be required to apply all accrued sick and vacation leave towards qualifying FMLA leave. Additionally, FMLA runs concurrently with any other paid leave to which the employee is entitled, including without limitation, workers' compensation leave and disability leave. In other words, FMLA leave will run concurrently with the paid leave days until the paid leave days are exhausted. Once all accrued paid leave has been exhausted, the remainder of the FMLA leave period, if any, will be unpaid.

12.2 Applying For Leave

It is the employee's responsibility to promptly alert Human Resources as to his or her need for FMLA leave in clear and unambiguous language. Merely calling in sick will NOT trigger FMLA leave. All leave requests should be in writing and state the reason leave is needed, the duration of leave, and the starting and ending dates. When Human Resources receives notice of the need for FMLA leave, it will provide the employee with the required forms to have completed to process the requested leave.

Employees and/or anyone within an employee's chain of command that becomes aware of potentially FMLA Eligible Events (see definitions below) are required to notify Human Resources as quickly as possible. Employees are asked to provide thirty (30) days' notice of the need to take FMLA leave when the need is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatments or service member leave.

Employees unable to give 30 days' written notice of the need for FMLA leave because it is unforeseeable must give notice as soon as practicable which generally means verbal notice to the employer within one or two business days of learning of the need for leave. When possible, the employee must make reasonable efforts to schedule leave so as not to unduly disrupt County operations.

12.3 Types of FMLA Leave Available:

Eligible employees may be granted up to twelve weeks of FMLA leave during a twelve month period for the following Eligible Events:

- for the birth of a child and to care for the employee's child after birth; for placement with the employee of a child for adoption or foster care; and to care for the newly placed child.

- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care or to care for the child after placement;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job; or
- service member leave, as described more fully below.

12.4 Eligibility of Spouses Employed with Haywood County:

In circumstances in which both eligible spouses are employed by Haywood County, such employees are permitted to take only a combined total of twelve weeks of FMLA Leave during the twelve month period:

- for the birth of a son or daughter, or to care for the child after birth;
- for the placement of a son or daughter for adoption or foster care, or to care for the child after placement;
- to care for parent (but not a parent in law) with a serious health condition.

In circumstances in which both spouses use a portion of the total twelve weeks of FMLA Leave for one of the purposes listed above, the husband or wife should be entitled to the remainder of the twelve weeks for another qualifying purpose.

If one spouse is ineligible for FMLA Leave, the other eligible spouse would be entitled to the full twelve weeks of FMLA leave.

12.5 Definitions For Purposes of This Policy:

Haywood County will use intends to follow the definitions used in the FMLA and its regulations, as those definitions may change from time to time. If any employee has questions about the definition of a term under the FMLA, he or she should consult Human Resources to obtain the current legal definition of the term in question. Under this policy:

- "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage in which the employee resides.
- "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. Haywood County reserves the right to examine birth certificates or other documentation that establishes relationship.
- "Son or Daughter" means an employee's biological, adopted, or foster child, stepchild, or legal ward, or a child for whom you have day to day responsibility for care and financial support

who is under age 18, or 18 or older and “incapable of self-care” because of a mental or physical disability.

- “Serious health condition” means an illness, injury, or physical or mental condition that involves-
 - A. –inpatient care in a hospital, hospice, or residential medical care facility or any subsequent treatment in connection with such inpatient care; or
 - B. –certain types of continuing treatment by a health care provider.

12.6 Medical Certifications And Recertifications:

Haywood County will require employees to provide:

- medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. The certification must be turned in to the Human Resources Department within 15 days of the County’s response to the employee’s request for Family or Medical Leave. Leave under this policy may be delayed or denied to an employee who fails to furnish medical certification.
- second or third medical opinions may be required at the County’s expense.
- subsequent recertification of serious health conditions may be required by the County.
- periodic reports during FMLA leave regarding the employee’s status and intent to return to work.
- a fitness for duty certification at the end of FMLA leave taken on account of the employee’s own serious health condition.

Any failure by the employee to provide the required notice of the need for FMLA leave or the required certification documentation, or to check in with Haywood County periodically as required during the leave, may result in a delay in certifying the leave, a denial of the leave, or the termination of previously-approved FMLA leave.

When intermittent leave is needed to care for an immediate family member or the employee’s own illness, and is for planned medical treatment, the employee must try and schedule treatment so as not to unduly disrupt the County’s operations.

Before returning from Family and Medical Leave, Haywood County reserves the right to have an employee be certified “fit for duty” by a health care provider. This form should state the employee is ready and able to return to work. Should the employee wish to return to work before the date originally established, the notice should be turned in 5 working days prior to the employee’s planned return.

12.7 Maintenance of Health Benefits:

While on FMLA leave the employee's health insurance benefits will continue in force. Deductions from pay to cover the employee's share of the premiums will continue while the employee is on paid leave. Once the employee is no longer receiving pay, Haywood County will pay the employee's portion of the premium for the remainder of the twelve week FMLA period. If the employee has covered dependents, the employee will be responsible for paying the premiums for the dependent coverage billed to them by the Human Resources Department upon receipt of the bill. If leave has been extended beyond the twelve week period and the employee is not being paid, the employee will be responsible for paying all benefit premiums as billed to them by the Human Resources Department or COBRA through the insurance administrator. If the employee fails to timely pay the bill for any premiums, the insurance coverage will be cancelled.

Please be aware that if an employee fails to return to work for reasons within their control after the expiration of leave, Haywood County has the right to recoup any health insurance premiums made on their behalf during any unpaid FMLA leave.

12.8 Job Restoration:

When returning from FMLA leave, an employee will be returned to his or her former position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Haywood County can not guarantee an employee will be returned to the exact position he or she previously held. If an employee is permitted to remain on other leave once the FMLA leave expires, the employee will no longer have any job restoration rights, or any other FMLA rights, and may not be guaranteed a position upon expiration of the leave.

12.9 Key Employee Exception:

Under limited circumstances when restoration to employment will cause substantial and grievous economic injury to its operations, Haywood County may refuse to reinstate certain highly-paid "key" employees to the position previously held. In order to do so the County must first notify the employee in writing of his/her status as a "key" employee, the reasons for denying job restoration, and must provide the employee a reasonable opportunity to return to work after so notifying the employee.

A "key employee" is an "eligible" employee who is among the highest paid ten percent of employees for the County.

12.10 Failure To Return To Work:

An employee who fails to return to work from FMLA Leave when the approved duration of leave expires will be subject to immediate termination. However, provided that the employee is entitled to more FMLA Leave, an extension may be requested. A request for an extension will be subject to the same notification and certification requirements as the original application of leave. The request for an extension must be made as soon as the employee realizes the original period of leave will not be sufficient. Notice must be received by the employee's immediate supervisor as well as the Human Resources Department.

12.11 Leave Schedule:

Employees needing intermittent leave or reduced leave will be expected to schedule leave as so not to disrupt County operations.

Intermittent leave may be taken on an as needed basis when an employee does not need leave over a period of weeks. Such intermittent leave must be approved by Haywood County Human Resources per appropriate medical certification or per appropriate certification of need in the case of adoption or child placement.

Leave taken as a result of a serious health condition of the employee or the employee's spouse, child or parent may be taken:

- sequentially, or as a single block of time;
- intermittently, or according to a specified and current treatment plan for the employee or as a part of the employee's caretaker obligations;
- on a reduced work schedule, whereby the employee's normal work schedule is reduced to accommodate the employee's medical needs or caretaker obligations.

If an employee seeks intermittent leave, Haywood County may require the employee to temporarily transfer to an alternative or part-time position that better accommodates recurring periods of absence. This alternative position will have equivalent pay and benefits.

12.12 Service Member Family And Medical Leave

In the National Defense Authorization Act For Fiscal Year 2008 (NDAA), Congress amended the Federal Family and Medical Leave Act (FMLA) to add a new category of protected leave for military families ("Service Member FMLA").

This policy supplements the County's existing FMLA policy. Except for the special provisions described below, an employee's eligibility requirements, rights and obligations with respect to Service Member FMLA are covered by our existing FMLA policy.

Leave Entitlement

Service Member FMLA provides eligible employees with unpaid leave under the following circumstances:

- To care for a covered family member (defined as a spouse, son, daughter, parent or next of kin) who is a current member of the armed forces, including the National Guard and Reserves (hereinafter "Armed Forces") and who has incurred any injury or illness in the line of active duty in the Armed Forces if such injury or illness may render the family member medically unfit to perform the duties of his/her office, grade, rank or rating. This would include service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who otherwise are on the temporary disability retired list.

- For any "qualifying exigency" situation arising out of the fact that the eligible employee's spouse, son, daughter or parent is on, or has been notified of an impending call to, active duty in the Armed Forces. There are eight types of "qualifying exigencies": (1) short-notice deployment; (2) military events; (3) child-care and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities not encompassed in the other categories but related to the covered service member's active duty or call to active duty and which the employee and the County agree shall qualify as an "exigency" for purposes of this policy.

Duration of Service Member FMLA

When leave is to care for an injured or ill family service member, the eligible employee may take up to twenty six weeks of leave during a single twelve month period to care for the service member. Leave to care for an injured or ill family service member, when combined with other FMLA leave, may not exceed twenty six weeks in a single twelve month period. This type of leave begins on the first day the eligible employee takes FMLA leave to care for the covered service member and ends twelve months later regardless of the method used by the County to determine the FMLA period for other FMLA-qualifying reasons. If the employee does not use the full twenty six weeks during the "single 12 month period," the balance of the twenty six weeks is forfeited. Employees may take more than one period of twenty six work weeks of leave during their employment with the County if the leave is to care for a different covered service member or to care for the same service member with a subsequent serious injury or illness, except no more than twenty six weeks of leave may be taken in any single twelve month period.

When leave is due to a "qualifying exigency," the eligible employee may take up to twelve (12) weeks of leave during a leave year. Leave due to a qualifying exigency, either by itself or when combined with other FMLA leave, may not exceed twelve (12) weeks in a single leave year.

Other Provisions

Service Member FMLA runs concurrently with other leave entitlements provided under federal, state or local law or County policy (including worker's compensation leave, short and long disability leave, etc.). Service Member FMLA is subject to the same requirements, including concurrent use of vacation or sick leave, as set forth in the County's FMLA policy.

Intermittent Service Member FMLA is available on the same terms as it is for all other FMLA leave under County policy or when necessary because of a qualifying exigency

Haywood County may require that a request for Service Member FMLA be supported by a written certification of the need for leave. The County may also request a copy of military documentation showing that the employee or family member is on active duty, has been called to active duty or was injured or became ill during active duty. Further, the County may seek confirmation of the employee's family relationship with the service member who is ill or injured or is on active duty or has been called to active duty. Requests for medical certification would be directed to the health care provider of the ill or injured service member.

12.13 Other Considerations:

The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or discharge or discriminate against any person because of involvement in any proceeding under or related to the FMLA.

Employees may not engage in other employment while on FMLA leave from Haywood County.

General questions or concerns about FMLA or Service Member FMLA should be directed to the Human Resources Department as they arise.

Section 13. Voluntary Shared Leave Program

Purpose

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. This policy provides a safety net against pay interruption for employees who have such a catastrophic health condition (or that of an immediate family member) causing them to be unable to perform their assigned job duties. Since these employees could be without income at the most critical point in their work life, this policy is intended to provide an opportunity for employees to assist another affected by a medical condition or that of an immediate family member that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave. The purpose is not to provide unlimited sick leave for any medical reason and it does not permit "banking" of leave.

13.1 Donated Leave

An employee donating leave may elect to donate a minimum of four hours of vacation leave or compensatory time. Those working in Emergency Services, Sheriff's Office or EMS (or other similar shift environments that accrue holiday leave) may donate any accumulated holiday leave time. Vacation leave of the donor must not drop below 80 hours of leave after any donation. Sick leave may not be donated due to its eligibility for retirement credit. The only exception to this rule is elected officials. Since elected officials accrue only sick leave and are not eligible for vacation leave accrual, only elected officials will be allowed to access sick leave for the purpose of donating to a voluntary shared leave request. Leave donated shall be kept confidential. Only individual employees may reveal their donation or receipt of leave.

13.2 Eligibility

Any full-time employee with one year of Haywood County service is eligible to donate or request leave. An employee requesting leave through the Shared Leave program must first exhaust all earned, compensatory time, unused personal, sick and vacation leave. An employee who is unable to work due to an accident, chronic illness or major medical condition (or due to the FMLA eligible serious health condition of an immediate family member) is eligible to request participation in the Shared Leave program upon documentation of the need for leave by a physician.

An employee may receive an unlimited number of hours of donated leave throughout a calendar year through the Shared Leave program, however, Shared Leave may not be used to extend an employee's time in leave status beyond one year from the last date worked unless approved through the Human Resources Director and the County Manager.

*Employees needing time off in order honor military duty for an immediate family member have the right to appeal to the County Manager for consideration under the Civil/Military Leave Exemption of the voluntary shared leave.

The following situations are not eligible for Shared Leave:

- a) Elective surgery;
- b) An employee receiving Workers' Compensation benefits;
- c) Any employee's donation of leave to a participant in the Shared Leave program is voluntary. Direct solicitation of employees for Shared Leave donations is not permitted. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

13.3 Process

In order to receive voluntary Shared Leave, an employee must have complied with existing leave rules and:

- have a prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period of time),
- Complete the application form to become a recipient,
- Produce a physician's statement to support the need for leave beyond the available accumulated leave, and;
- Have the request for Shared Leave reviewed by the Human Resources Director for eligibility, and be approved by the Office/Agency Director and the County Manager.

An employee who wishes to donate Leave to an employee requesting Shared Leave must complete a "Shared Leave Donation" form and submit this to the Human Resources Director within the time period specified for the request.

Once a Shared Leave request is approved, the Human Resources Director may advise all County employees regarding the request for Shared Leave, releasing only the information authorized in writing by the employee. The Human Resources Director may elect to release the request first to employees in the requesting employee's Office/Agency before communicating the request to all County employees.

Non-exempt employees may make donations of leave which must be a minimum of four hours. Exempt employees must donate a full day (eight hours).

Donated leave hours are transferred from the employee(s) donating leave to the employee receiving the Shared Leave on an as needed basis at the recipient's rate of pay. Once leave is donated and transferred to the employee receiving the leave, it may not be returned to the donating employee. However, donated leave in excess of the amount needed shall be returned to the donor(s) by the

Human Resources Department on a prorata basis and credited to the same account from which it originally came.

During the period an employee is using Shared Leave, the employee continues to be in a leave earning capacity, and is entitled to holidays, may receive any pay increase for which otherwise eligible, and may receive benefits offered under the County's group insurance policies.

If a recipient separates due to resignation, death, or retirement, participation in the program ends.

Section 14. Compensatory Leave - Exempt

Employees who are exempt from the Fair Labor Standards Act and work more than the normal forty hour workweek to perform the duties of their office may be granted time off by the Office/Agency Director; the Office/Agency Director may be granted time off with the approval of the Haywood County Manager, as applicable. Compensatory leave will be used before any other leave is approved. Exempt employees may only accrue up to 80 hours and will not be paid for any balance of compensatory leave earned at the time of separation with the County.

Section 15. Children's School Involvement

Chapter 509 of the 1993 Session Laws amended N.C. G.S. § 95-28.3 to require all North Carolina Employers, public and private, to grant at least four (4) hours of leave per year, effective December 1, 1993, so that a parent, guardian or any person standing "in loco parentis" of a school-aged child to attend or otherwise be involved in activities at the child's school.

Leave shall be provided subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between the immediate supervisor and the employee;
2. The immediate supervisor may require an employee to provide the employer with written request for the leave at least 48 hours before the time desired for the leave;
3. The immediate supervisor may require that employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of leave.

The definition of school includes public and private schools, church schools, and preschools. It also includes day care facilities as defined under N.C. G.S. § 110-86. Employers cannot take adverse employment action against an employee who requests leave under this section.

Leave taken may be compensatory time (which should be taken first), vacation leave or leave without pay.

Section 16. Military Leave Policy For Call Up To Active Duty

The Uniformed Services Employment and Reemployment Rights Act (USERRA) governs the rights of employees who temporarily leave their jobs as a result of their voluntary or involuntary service in the United States uniformed services.

REEMPLOYMENT ELIGIBILITY & DURATION OF SERVICE

Under USERRA, all employees are eligible for a military leave of absence of up to five years as specified below, provided that the employee gives advance verbal or written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. This five-year period is cumulative over the course of employment and may be extended in certain situations, such as war or national emergency declared by the President or Congress. USERRA protects only employees who are honorably discharged and who return to their jobs following periods of uniformed services of no longer than five years.

TYPES OF MILITARY LEAVE

Uniformed services consist of the following:

Army, Navy, Marine Corps, Air Force, or Coast Guard

Army, Navy, Marine Corps, Air Force, or Coast Guard Reserve

Army National Guard or Air National Guard

Commissioned Corps of the Public Health Service

Any other category of persons designated by the President in time of war or emergency

Types of service covered:

Active duty

Active duty in training

Initial active duty for training

Inactive duty training

Full-time National Guard duty

Absence from work for an examination to determine a person's fitness for any of the above types of duty

Funeral honors duty performed by National Guard or reserve members

16.1 Employee's Obligation To The Employer

The law requires all employees to provide their employer with advance notice (either written or oral) of military service unless prevented by military necessity. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving.

16.2 Employer's Obligations And Effect On Employee Benefits

Employees who take a military leave of absence also are entitled to: (1) retain and accrue benefits based on the number of years including time spent in active military service such as longevity pay and vacation/sick leave; (2) elect and pay for continued health care coverage during their absence as outlined below; and (3) participate during the leave in benefits based on guidelines of North Carolina Local Government Retirement System.

Employees may continue health and dental coverage for themselves and/or their families with their civilian employer (the County) while on military leave. If the employee chooses to cancel coverage through the County, covered spouse and/or eligible dependents have an independent right to elect

coverage under USERRA through COBRA at applicable rates for up to 24 months. Health coverage is also available through the military to all active military personnel and their families, which begins immediately upon activation. An Haywood County employee granted military leave may elect to receive insurance coverage as outlined below:

Option One:

The employee may elect to continue health and/or dental coverage through Haywood County. The County will continue to pay the employer portion of medical and dental premiums until their return from active military leave. The employee is obligated to pay the employee portion on a monthly basis; payments are due on the 1st of each month. There is a 30-day grace period for payment of premiums. Failure to remit payment in a timely manner will result in termination of coverage. The coverage provided by the military will also be in effect as of the activation date (into military service) for the employee and dependents (unless coverage is declined for dependents).

Option Two:

The employee may elect to cancel health and/or dental coverage through Haywood County as coverage is provided to all active military personnel and their families. Employees may re-enroll in the County's plans when they return to active employment status. Employees and their dependents will be reinstated with health and dental benefits immediately with no pre-existing conditions or waiting periods (waiting periods and pre-existing conditions will apply if incurred as a result of military service).

16.3 Retirement Contributions By The Employer

Employees who return following a period of military service are entitled to any pension benefits that accrued prior to departure, and any additional benefits that would have accrued with reasonable certainty during the employees absence (i.e. retirement and 401K employer portions). Employees cannot be treated as inactive participants and cannot be treated as having incurred a break in service as a result of their absence from employment.

For employees who are scheduled to be absent for military service 90 or fewer days, the County will make "employer" contributions to 401K upon their return.

For employees who are scheduled to be absent for military service 91 or more days, the County will postpone making retroactive 401K contributions until the person submits satisfactory documentation.

Presentation of the DD-214, Report of Separation, identifying the veteran's condition of discharge will enable their months of military service to be counted toward their Retirement by the Local Government Retirement System.

16.4 401(K) Contributions By The Employee

Upon return to work, the employee may make contributions to the plan in the amount equal to the contributions that would have been made if the employee has been actively employed during the period of military service. The employee may make up missed contributions over three (3) times the period of time away (i.e. if an employee is out for 12 months, he/she would have 36 months to pay their missed employee contributions).

16.5 Flex Plan Contributions By The Employee

Contributions to the Haywood County Flexible Spending Cafeteria Plan may be continued during military leave, if a participating employee wishes to do so, provided that the pay differential (see

below) is adequate to allow such participation. Otherwise, military leave would meet the requirements of a qualifying event to allow the participant to cease contributions until return from military service.

16.6 Pay For Leave

Effective Date: 2/2/2009

Revision Date: 9/7/2010

An employee granted temporary military leave for active-duty training, inactive-duty training, or extended military leave is granted a military pay differential.

The pay differential is the amount, if any, by which the employee's normal base pay exceeds any pay received for such military training duty for the same period, including all military pay except subsistence allowance (including "quarters allowance") and travel allowance.

Upon return from military duty, employees shall submit to their supervisors a copy of their original duty orders and a certified statement of their military pay and allowances for the appropriate period. Any adjustments in pay will be reflected in a subsequent paycheck, after these documents are forwarded to the Payroll Office.

Regular employees, not serving an initial evaluative period, who are members of the National Guard or Armed forces Reserve, will be allowed up to 80 working hours per calendar year (January - December) for military training leave with pay for mandatory annual duty. Such military duty as is required beyond this period, the employee shall be allowed to take accumulated vacation leave, or be placed in leave without pay status. In rare cases where two annual training sessions may be required in one fiscal year, the employee shall be allowed to take additional military leave, however, it shall be without pay (with the exception of pay differential, if any).

16.7 Reinstatement

Haywood County will reinstate the veteran to the position he or she would have held if employment had not been interrupted by military service.

In order to be eligible for reinstatement, the returning veteran must notify Haywood County that he/she intends to return to employment once military service is completed. The length of time that the veteran has to contact the employer regarding reemployment depends on the length of the service as follows:

Service of 1 to 30 days. The employee must report back to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the last calendar day of active military service. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.

Service of 31 to 180 days. A request for reinstatement must be submitted no later than 14 days after completion of an employee's service. If submission of a timely request is impossible or unreasonable through no fault of the employee the request must be submitted as soon as possible. If the 14th day falls on a day when offices are not open, the time extends to the next business day.

Service of 181 or more days. A request for reinstatement must be submitted no later than 90 days after completion of an employee's military service. If the 90th day falls on a day when the offices are not open, the time extends to the next business day.

Disability incurred or aggravated. The "reporting back to work" deadlines are extended for up to two years for employees who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service. The two-year period will be extended by the minimum time required to accommodate a circumstance beyond an employee's control that would make reporting within the two-year period impossible or unreasonable. The employee is required to notify the County within the time limits set forth above even if extensions are necessary.

Unexcused delay. An employee's reinstatement rights are not forfeited if the employee fails to report to work or to apply for reinstatement within the required time limits, but the employee will then be subject to the employer's rules governing unexcused absences.

16.8 Documentation Upon Return

Haywood County has the right to request that an employee who is absent for a period of military service of 31 days or more provide documentation showing that:

- *the employee's application for reinstatement is timely;
- *the employee has not exceeded the five-year service limitation;
- *the employee's separation from service was other than disqualifying under Section 4304.

Presentation of the DD-214, Report of Separation, identifying the veteran's condition of discharge will be considered as proof upon return.

16.9 Protection Against Discharge Without Cause Upon Return

USERRA also protects returning veterans from discharge without cause for a period of time after reemployment. For example, if the returning veteran's military service lasted between 31 and 180 days, the veteran may not be terminated without cause for 180 days after the date of reemployment. If the veteran's service was more than 180 days, this protection applies for one year after reemployment. Employees with less than 31 days of service do not have protection against discharge without cause, but like other returning veterans, they are protected from discrimination based on military service or a continuing service obligation.

Article VII. Employee Benefits

Effective Date: 2/2/2009

Revision Date:

Section 1. Group Health Insurance

The County shall make available to all regular employees medical insurance coverage. To be eligible an employee must be scheduled for twenty (20) hours of work per week. Employees shall be enrolled in the program in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of thirty (30) to fifty-nine (59) days.

Example: An employee is hired June 1. The coverage would be effective July 1.

An employee is hired June 2. The coverage would be effective August 1

Any regular part-time employee will pay for health coverage on a pro rata basis.

Deductions shall be allowable, at the option of the employee, to provide medical coverage for dependents in accordance with the provisions of the insurance contracts.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), health benefits may be continued after termination of employment at the employee's expense. Health insurance coverage must be extended for 18 months if:

- employment is terminated (unless terminated due to gross misconduct); or
- hours worked are reduced causing the employee to be ineligible under the terms of the plan.

Coverage for dependents, at the employee's expense, may be extended for 36 months if their coverage is terminated due to:

- death of covered employee
- divorce or legal separation
- employee's entitlement to Medicare; or
- a dependent child ceasing to be a dependent under the terms of the plan.

The County will continue to provide health insurance coverage for employees who retire from County service on a pro rata basis. (See "Haywood County Employee Hospitalization Insurance Coverage After Retirement" in the Appendix).

Section 2. Unemployment Compensation

County employees who are 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 3. Old Age And Survivors Insurance (Social Security)

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

Section 4. Retirement Benefits Including a Death Benefit

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

If an employee dies while still in active service (while being paid pay) after one year as a contributing member, your beneficiary will receive a single lump sum payment. The payment equals the highest 12 months of pay in a row during the 24 months before you die, but no less than \$25,000 and no more than \$50,000. This benefit is also paid if you die within 180 days of the last day for which you were paid pay. It is in addition to any other benefits to which you may be entitled.

Section 5. Group Life Insurance

The County shall make available to all regular employees group life insurance coverage. The coverage is in the amount of \$20,000 for employees under age 70 and \$10,000 for employees age 70 and over (with double-indemnity in case of accidental death or dismemberment). The premium for this coverage is paid in full by the County through the contracted life insurance company. Effective dates for coverage will be the same as medical coverage.

Section 6. Law Enforcement Officers' Separation Allowance

The County shall provide a special separation allowance to qualified officers who retire early or who leave service early and who meet all of the following qualifications:

1. The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service.
2. The officer must not yet be age sixty-two (62).
3. The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer:

1. reaches age sixty-two (62)
2. dies, or
3. is reemployed in any capacity by the state of North Carolina or any of its political subdivisions.

Section 7. Retirement Benefits

Haywood County, as the employer, provides the following additional benefits to employees:

7.1 NC Supplemental Retirement (401k) for Law Enforcement Officers

All law enforcement officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

7.2 North Carolina 401(k) Plan, Supplemental Retirement Income Plan

Provides an automatic contribution by the employer for all employees of the Local Governmental Employees' Retirement System. The amounts will be determined in the annual budget ordinance adopted by the Board of Commissioners.

Section 8. Benefits – Flexible/Optional

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

1. Credit Union
2. Deferred compensation plans, authorized by Section 457 of the Internal Revenue Code such as employee contributions to 401k or NACO to provide supplemental long-term retirement
3. Flex Plan, authorized by Section 125 of the Internal Revenue Code - Allows employees to spend pre-tax dollars on employee-paid insurance premiums, supplemental insurance, as well as medical or dependent care flexible spending accounts.
4. United Way contributions
5. Child support
6. Pre-paid legal
7. Haywood Regional Fitness Center

Section 9. Worker's Compensation

All employees are covered by the North Carolina Worker's Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury so that appropriate action may be taken at once.

During the first five working days following a job-related injury, the County will continue to pay the employee's weekly pay. However, to be compensated for the first five days the employee must use sick leave. On the eighth calendar day following the injury, the employee will become eligible to receive worker's compensation payments equal to two-thirds of his or her weekly earnings, but no more than the maximum weekly pay set by the North Carolina Industrial Commission, and will be removed from the County roster for payroll purposes.

It may be necessary to terminate the employment of an employee who is determined medically to be unable to return to work because of his/her injury. This determination shall be made following a formal evaluation of his/her case, including a medical examination at the County's expense performed by a physician of the County's choice. If an employee does not return to work because of medical reasons he or she may be eligible to retire under the provisions of disability retirement.

If the employee becomes able to return to work, he or she may apply for any vacant County position for which he or she is qualified and receive priority consideration over other qualified candidates. He/she may be required to undergo a medical examination before returning to work.

9.1 Smallpox Policy Regarding Worker's Compensation

On December 13, 2002, the President of the United States formally announced a voluntary national smallpox vaccination program to strengthen the ability of the United States to protect itself from a smallpox attack. The State of North Carolina passed Session Law 2003-169 for Adverse Reactions to Smallpox Vaccinations. As such, the Workers' Compensation Act provides explicitly that infection with smallpox, infection with vaccinia (the virus in the smallpox vaccine) and any other adverse reaction caused by smallpox experienced as a result of the course and scope of employment is an occupational disease within the meaning of the Workers' Compensation Act.

As a result of the above, Haywood County adopts the following:

A. Smallpox vaccinations will be taken on a voluntary as-needed basis, free of charge to employee, and the employee will successfully participate in whatever training is deemed appropriate by the County to enable the County to respond to a public emergency. Each employee who agrees to be vaccinated shall be counseled on the risk of adverse side effects.

B. Infection from smallpox due to workplace exposure, infection with vaccinia, or any adverse medical reaction when the infection or adverse reaction due to the employee receiving vaccination against smallpox within the course and scope of employment shall be considered an occupational disease under the Worker's Compensation program and shall be treated in the same manner as any other Worker's Compensation illness or injury which meets the definition of occupational disease of the Worker's Compensation Act of North Carolina.

Section 10. Employee Assistance Program

Haywood County provides an Employee Assistance Program (EAP) to all employees and immediate family members through Employee Assistance Network to help in resolving family problems, alcoholism, marriage difficulties, financial trouble, stress, drug use or addiction, depression and other problems.

Referral to EAP may occur by:

Self-Referral-When an employee desires assistance in problem solving.

Management Recommendation-When an employee is dealing with a personal or job-related issue that may affect performance.

Mandatory Referral-When a Office/Agency Director/supervisor, in consultation with Human Resources, identifies a significant performance problem or policy violation (for example, positive drug screen where appropriate, or a critical incident). In such a situation, an employee may be required to participate in a referral, and improvement of performance or behavior is required regardless of participation in follow-up session recommended by the EAP.

Section 11. Payroll Advance

A confidential, interest-free, emergency payroll advance may be available for eligible staff members limited to one advance per 12-month period, provided there is no unpaid balance from a previous advance, with a maximum of two advances in a five-year period. Employees who have completed their initial evaluative period with Haywood County, may request in writing a payroll advance, in the event of temporary critical financial hardships. Such request must be approved by the Office/Agency

Director and forwarded to Human Resources. In the case of extreme hardship, emergency funds may be available through a 401k loan (contact the NC State 401k plan for further criteria and assistance).

- Advances are repaid through payroll deduction from the next pay period. The entire remaining balance is withheld from the final paycheck if the staff member terminates employment. Any remaining unpaid balance is billed by Payroll.
- A staff member who has received a second or final warning during the previous 12 months is not eligible for an advance for one year following the corrective action.
- Employees are not eligible for a loan while on a leave of absence.

Article VIII. Separation, Disciplinary Action, and Reinstatement

Effective Date: 2/2/2009

Revision Date:

Section 1. Types of Separation

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

Section 2. Reduction in Force

A. In the event that a reduction in force (“RIF”) becomes necessary, the County Manager together with the Agency/Office Director(s) involved, and the Human Resources Director shall determine the employee(s) affected by the RIF.

1. The Human Resources Director, in coordination with the County Manager or his designee, shall determine and list all employees, subject to the authority or control of the County Manager, serving in the same class throughout the County who are on that date listed as temporary or probationary employees. Furthermore, said list shall include any position(s) which, on that date, is not filled or is being advertised within the same class which is affected by the RIF.
2. The Agency/Office Director(s) involved, the Human Resources Director and the County Manager shall make their RIF decisions based on the following job-related factors:
 - a. Department or organization needs;
 - b. Performance and related issues;
 - c. Critical job skills;
 - d. Job redundancies; and
 - e. Seniority, including # 3 below.
3. No regular employee shall be separated while there are temporary or probationary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position (title, grade & pay) held by the temporary or probationary employee.
4. The Agency/Office Director(s) involved shall make recommendations to the Human Resources Director and County Manager of the employees in their departments to be included in the RIF based on the factors set forth above.

5. The County Manager, who has the final authority to determine the employee(s) to be separated because of RIF, may consider the entire County work force, subject to his or her authority or control when making his or her decision.
6. All other things being equal, employees who are subject to a RIF will have priority for rehire for the period of six months following the RIF. Employees must be qualified for any position for which they apply. Employees who are let go in a RIF and wish to apply for an open County position must submit an application to the Human Resources Department documenting their priority situation with regard to any posted position along with their qualifications.
7. An employee in a regular or regular-probationary position who is separated in accordance with these provisions may retain his/her sick leave balance and personal leave accrual rate upon separation for one year from the date of separation.

Employees separated under a RIF have the right to appeal the dismissal using the grievance procedure prescribed in the Haywood County Personnel Policies, Article IX.

B. For reasons of curtailment of work or lack of funds, the County Manager may also mandate employee furloughs. This would entail the placement of an employee in a temporary non-pay status and non-duty status (or absence from duty) because of lack of work or funds, or for other non-disciplinary reasons.

C. Severance Pay Policy and Involuntary Termination

Involuntary termination occurs with the RIF of an employee due to lack of funds or elimination of the employee's position due to reorganization. If a RIF occurs, impacted employees may receive severance, in exchange for signing a written general release, as follows:

- a. Permanent full-time and permanent part-time employees who qualify for benefits under the Local Governmental Employees' Retirement System shall be paid the equivalent of one month's severance pay if they sign a written release.
- b. An employee receiving severance pay shall not be eligible for re-employment with the County for the number of weeks calculated in the severance payoff, unless repayment is made in advance of reemployment for any severance in excess of the period of actual separation from the County.
- c. When there is a RIF, employees who are age 40 and above must, by law, be given up to **45 days** to review and sign the severance agreement and 7 days after signing to revoke their signatures. Employees aged 40 and above do not have to use the full 45 days to read and consider the severance agreement; they can sign and return it as soon as they wish. The severance agreement will only become effective if an employee signs the agreement within the 45 day window, returns it to the County, and does not revoke his/her signature within the 7 days following signing the agreement. If the employee fails to return the signed agreement within the 45 day window, or revokes his/her signature within 7 days after signing, the employee will not receive any severance benefits. **Further, the severance agreement for these individuals must contain certain detailed information, including the job titles and ages of all individuals eligible or selected for the [RIF] program, and the ages of all individuals in the same job classification or organizational unit who are not eligible or selected for the [RIF]**

program. Employees under age 40 are subject, by law, to different requirements pertaining to the severance agreement. They must sign and return the severance agreement within 2 pay periods of receiving the severance agreement. If they fail to do so, they will not receive any severance. They are not entitled to the detailed RIF information provided to older workers, as described above. Nor are they able to revoke their signature on the severance agreement once they have signed and returned it.

- d. Any severance agreements not signed and returned by the appropriate deadlines are therefore null and void (i.e. ineligible for payment).
- e. The following employees shall not be eligible for any severance payment.
 - Temporary employees.
 - Any employee who is in a time-limited/grant-funded or contract position.
 - Any employee for whom the County has arranged comparable employment with a non-County agency.
 - Any employee who declines an offer of comparable employment by the County prior to his/her date of separation.
 - Anyone given a reduction in hours rather than a job loss in the RIF.

Section 3. Disability

An employee may be separated for disability when the employee cannot perform the essential job duties because of a physical or mental impairment, with or without reasonable accommodation. 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 Health Care Provider of its choice. In order to separate an employee for disability, the disability must be such that a reasonable accommodation cannot be made without undue hardship to the County and the disability is related to both essential job functions and business necessities. Before an employee is separated for disability, a reasonable effort shall also be made to locate alternative positions within the County's service for which the employee may be suited.

Section 4. Discipline and Dismissal

A regular employee who has successfully completed his or her initial evaluation period may be reprimanded, suspended, demoted, or dismissed by the employee's Office/Agency Director for just cause following procedures set forth in this policy.

In most cases, the purpose of discipline is to instruct and correct rather than to punish. Except in circumstances involving serious breaches of conduct, or as otherwise provided in these policies, the employee should be given an opportunity to correct the problem. However, depending on the circumstances, an employee may be disciplined, reprimanded, suspended, demoted, or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee. If you believe that you are confronted by such a case, please seek assistance from the Human Resources Department.

As stated in this Manual, no cause or notice is required for termination of employees who are in their Initial Evaluative Period. Much in the manner of a pre-disciplinary hearing, however, it is strongly suggested that the immediate supervisor meet with the employee prior to the decision to dismiss to document and discuss the reasons behind the pending disciplinary action.

When it becomes necessary to discipline or dismiss an employee that has completed their initial evaluation period due to performance related issues, several principles apply:

- 4.1 The employee must have been clearly informed by the supervisor previously in writing as to the source of dissatisfaction. It is the responsibility of the supervisor to explain to the employee those areas in which he/she is expected to improve, to make suggestions about how to improve, and to allow time for the employee to make improvements. The supervisor and the department head will record the dates of their discussion(s) with the employee, the performance deficiencies discussed, and the corrective actions recommended and file the information in the employee's personnel file on Work Improvement Plan form.
- 4.2 When it is apparent that this progressive approach has failed and that the necessary change in behavior has not been achieved, the supervisor recommending discipline, up to and including dismissal, shall discuss the recommendation with the Office/Agency Director. The Director shall then conduct a conference with the employee, and shall decide if discipline, up to and including dismissal, is warranted.
- 4.3 Advance written notice (as practicable) of the conference must be given to the employee listing the time, date, location and the issue for which discipline or dismissal has been recommended. The amount of advance notice shall be as much time as is practical under the circumstances and given the offense.
- 4.4 The purpose of the conference is to review the recommendations for discipline or dismissal with the affected employee and to listen to and consider any information put forth by the employee, in order to ensure that a disciplinary or dismissal decision is sound. A representative of the Human Resources Department may attend at the request of the Office/Agency Director. Security personnel may be present when there is a need for security. No attorneys representing either side may be present.
- 4.5 In the conference, the Office/Agency Director shall give the employee oral or written notice of the recommendation for discipline or dismissal including specific reasons for the proposed discipline or dismissal and a summary of the information supporting that recommendation. The employee shall have the opportunity to respond to the proposed action and to offer information in support of the employee's position.
- 4.6 Following the conference, the Office/Agency Director shall review the response of the employee and reach a decision on the proposed recommendation. If the the Office/Agency Director's decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights through the Grievance Procedure shall be issued to the employee in person or by

certified mail. If the Office/Agency Director's decision is to discipline the employee, a written letter explaining the disciplinary decision and the employee's appeal rights through the Grievance Procedure shall be issued to the employee in person or by certified mail. The decision will be communicated to the employee within a reasonable time of the conference, but no later than five (5) business days after the conference. The Human Resources Director and the County Manager will be provided with written notice prior to such action.

- 4.5 Any determination by the Office/Agency Director concerning discipline and/or dismissal shall be discussed with the County Manager or Human Resources Director and made in accordance with this policy.

Section 5. Investigatory Suspension

Investigatory suspension with or without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. Also, the County may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by management by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days' pay deducted from back pay. Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee. An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days' pay deducted from his or her pay. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension.

Section 6. Employee Appeal

An employee wishing to appeal discipline, a reprimand, a demotion, a suspension, or a dismissal may present the matter using the grievance procedure prescribed in Article IX of this policy.

Section 7. Reinstatement

An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within three (3) years of the date of separation, with the approval of the Office/Agency Director, the County Manager, and in the case of competitive service employees, in accordance with *Personnel Policies for Local Government Employees Subject to the State Personnel Act*. Such an employee will need to follow all standard application and hiring procedures. An employee who is so reinstated shall be credited with previous service and previously accrued sick leave.

Article IX. Grievance Procedure

Effective Date: 2/2/2009

Revision Date:

Section 1. Purpose

Regular employees who have completed the initial evaluative period shall have the right to present their complaint in accordance with this established policy free from interference, discrimination or reprisal, and to be heard fairly and promptly. Grievances that are not received within the time frame allowed shall be dismissed.

1.1 Grievance:

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

1.2 Types of Grievances:

Aggrieved complaints that can be appealed up to the County Manager's office are:

- B. A. Discrimination or harassment or retaliation against any employee on the basis of race, color, religion, sex, national origin, military or veteran status, disability, age or any other characteristic protected by applicable law. Acts of retaliation as a result of reporting any acts in violation of County, State or Federal Laws.**
- C. Suspensions, demotions or dismissals for disciplinary reasons.**

1.3 Formal Appeals Procedure:

When an employee has a grievance, he/she is encouraged to try to resolve it within the department; however, if informal measures do not resolve the concerns, an employee may take the following successive steps to resolve the complaint formally through normal channels and Office/Agency procedures:

- A. Step One.** An employee must file a grievance, in writing, with the immediate supervisor within ten (10) days of the date of the incident, giving rise to the grievance. If the employee alleges harassment, discrimination or retaliation by the immediate supervisor, the employee may file the complaint with the Office/Agency Director or with the Human Resources Director. **If the grievance concerns an appeal of a demotion, suspension or dismissal, it shall be filed directly with the appointing authority at Step Three.** The immediate supervisor shall

meet with the employee within five (5) days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) days following the meeting.

For Employees Subject to the State Personnel Act: Grievances of employees covered by the State Personnel Commission which allege discrimination, harassment or retaliation, may, at the election of the employee, proceed through the agency or County procedure or proceed directly to the State Personnel Commission for a hearing by the Office of Administrative Hearings and a decision by the State Personnel Commission. A direct appeal to the State Personnel Commission alleging discrimination, harassment or retaliation must be filed in accordance with N.C. G.S. § 150B-23 and must be filed within thirty (30) calendar days of notice of the alleged discriminatory, harassing or retaliatory act.

B. Step Two.

If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Office/Agency Director within five (5) days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, harassment or retaliation, indicate whether the alleged discrimination, harassment or retaliation was based on race, color, religion, sex, national origin, military or veteran status, disability, age or any other characteristic protected by applicable law.

The Department Director shall meet with the employee within five (5) days of receipt of the Step Two grievance, shall review the decision made at Step One, and shall make an independent determination on the merits of the grievance. Within ten (10) days of meeting with the employee, the Department Director shall issue a written decision.

C. Step Three

For General County Employees. If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the County Manager within five (5) days of receipt of the Step Two decision. The employee may request a decision from the County Manager directly. The decision of the County Manager is final.

D. Step Three

For Employees Subject to the State Personnel Act. (Health department employees and Social Services employees who are subject to the jurisdiction of the N.C. State Personnel Act shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings not later than thirty (30) days after receipt of notice of the appointing authority's decision, provided that the

employee has obtained regular status in accordance with the rules and regulations of the State Personnel Commission. *(See applicable SPA guidelines)*. The decisions of the State Personnel Commission shall be binding in appeals of said employees if the Commission finds that the employee has been subjected to discrimination, or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

1.4 Maintenance of Records

All documentation, records, and reports related to discipline or dismissal will be retained for a minimum of three (3) years and shall be held by the Human Resources Director.

1.5 Other Remedies Preserved

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

Section 1. Personnel Records Maintenance

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

Section 2. Information Open to the Public

The following information on each County employee is public information:

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

For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Requests by the public to view such records must be made in accordance with the County Public Records Policy.

Section 3. Access to Personnel Records

As required by N.C. G.S. § 153A-98, any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 4. Confidential Information

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

The employee or his/her duly authorized agent may examine and copy, upon a written request and reasonable notice, all portions of the employee's personnel file, except letters of reference solicited before employment

A County employee employed in Human Resources or having supervisory authority over the employee or other legitimate need to know may examine all material in the employee's personnel file and medical file.

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

An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel or medical file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may contest such material in accordance with the grievance procedure.

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

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 7. Destruction of Records

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

Article XI. Haywood County Automated Time Recording and Submittal Policy

Effective Date: 2/2/2009

Revision Date:

All employees time will be duly recorded as outlined in this policy.

Purpose

The Haywood County Automated Time and Attendance Policy shall ensure the prompt and accurate compensation of employee time and attendance. Employees and supervisors alike must ensure that appropriate and accurate records are submitted to Human Resources Payroll staff on a timely basis.

Definitions

The automated recording mechanism used by Haywood County will be referenced in this document as **Kronos**. Each employee's automated time record will be referenced in this document as employee's **time card**. Flexible time schedules will be referred to in this document as **FLEXTIME**. Clocking in and out of Kronos by utilizing a standard personal computer (PC) web browser is referred to in this document as **Web-time**. Clocking in and out of Kronos by utilizing a standard telephone is referred to in this document as **Tele-time**. The mandatory documentation used by employees to report deviations from scheduled time will be referred to in this document as the **Time Edit Sheet**. By **approving time cards**, Office / Agency / Department Director or designee is providing electronic approval and submission of time records for the pay period to Human Resources Payroll staff.

Policy

Haywood County utilizes automated time recording and payroll processing mechanisms in an effort to minimize payroll liability and increase accuracy and reporting capabilities. This automated system is a precise measure of time and attendance, which is based upon key clocks. These procedures apply to all employees, regardless of exemption status.

Kronos Web-time

Employees who utilize the Web-time System must do so using a designated County computer, as assigned by Haywood County Information Technology Department staff.

Employees must complete a time edit sheet if Web-time System is unavailable.

Kronos Tele-time

Employees who utilize the Tele-time System must do so by using any County telephone at their assigned work site. Field workers must provide the Human Resources Payroll staff with the phone number they will be dialing from for clocking in and out. Audit procedures will be utilized to ensure employees are at their work site when clocking in and out. Employees must complete a time edit sheet if Tele-time System is unavailable.

Employees who utilize the Kronos system must do so at their assigned work site. All employees must clock in immediately before starting work and clock out immediately upon completing work.

An employee leaving their assigned work site who is not on County business must clock out. All meal breaks on or off County premises must be recorded in Kronos. Working through lunch, as well as hours worked overtime must be pre-approved by Office / Agency / Department Director.

All employee clocks will be rounded based on the 7-minute rule. An employee cannot normally clock in earlier than seven (7) minutes prior to the beginning of the shift and must clock out prior to seven (7) minutes after the end of the shift without prior approval for comp time or overtime. This requirement will be for ordinary circumstances.

Should an employee clock in after their scheduled time to work or before their scheduled shift ends, Kronos will note the late arrival or early departure. Should an employee miss a scheduled shift, Kronos will note the absence. Employees must complete a Haywood County time edit sheet to receive compensation for the missed time. If a time edit sheet is not completed by the employee, Kronos will accordingly dock the earnings of the employee.

Under no circumstances may an employee clock another employee in at the beginning of a shift, mid-shift, or out for the end of a shift. Failure to comply shall result in disciplinary action up to and including dismissal.

Haywood County utilizes two methods to record clocking in and out for work. Each employee will be assigned to one method.

Pay Period Close

It is the responsibility of the appropriate Office / Agency / Department Director or designee to review and approve their department's timecards. Office / Agency / Department Director or designee must approve all employees' timecards by 10:00 a.m. on the Monday that the pay period ends. After approving of the timecards, no changes may be made without prior notification and approval by Human Resources Payroll staff.

Once timecards have been signed-off at the Office / Agency / Department level, time records are the property of the Human Resources Department. Management, with the employee's acknowledgement only, will do correction of time records. All corrections must be supported by a complete written explanation. The employee and their supervisor must initial corrections.

FLEXTIME

Changing the work schedule of an employee / group of employees should be requested by the Office / Agency / Department Director and must receive concurrence from the HR Director and approval of the County Manager, where applicable.

Those authorized to participate in FLEXTIME are required to comply with all other Haywood County policies and procedures. Employees who must be at the worksite during the traditional workweek and hours because of a job-related duty are not eligible to participate in any FLEXTIME options. FLEXTIME schedules must conform to Haywood County's standard pay period which begins and ends bi-weekly on Monday at 8:00 a.m.

Appendix I County Employee Hospitalization Insurance after Retirement

Effective Date: 4/3/2006

Revision Date: 2/2/2009

Retire with 30 years service in the North Carolina State or Local Government Retirement System with a minimum of seven (7) years continuous Haywood County service immediately preceding retirement. At the time of retirement, the employee must be enrolled in the County's insurance plan. 100% of Medical Coverage up until age 65 (at that time, the employee will need to submit a Medicare Supplement Application)

Retire with fewer than 30 year's service (Including accrued sick leave)

MIN AGE 50 to 59

Years of Service	Percentage of Year's/ Employer Rate	EE Rate
20	67%	33%
21	70%	30%
22	73%	27%
23	77%	23%
24	80%	20%
25	83%	17%
26	87%	13%
27	90%	10%
28	93%	7%
29	97%	3%
30	100%	0%

Retire fewer than 30 year's service (including accrued sick leave)

MIN AGE 60 to 64

Minimum of 5 year's of service up to 14 years	EE Pays 100%
Minimum of 15 year's service up to 19 years	EE Pays 33%
Minimum of 20 year's service & up to 30 years.	See age 50 schedule

Supplement to Medicare:

MIN AGE 65(unless waived by Social Security/Medicare due to disability) within 60 days of eligibility

As of 5/14/08	Minimum of 5 years of service and up to 19 years.	EE Pays 50%
	Minimum of 20 years of service and up to 29 years.	EE Pays 33%
	Minimum of 30 years service.	EE Pays 0%

NOTE: Employee pays full premium for allowable dependents coverage until age 65. New dependents cannot be added at time of or after retirement. Departments must notify County Manager's office prior to hiring an employee with prior local or State government experience.