

# Wayne County Personnel Policy

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**PERSONNEL POLICY  
WAYNE COUNTY, NORTH CAROLINA**

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# **ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM**

## **SECTION 1**

### **Purpose**

**The Wayne County Board of Commissioners has adopted these Personnel Policies by Resolution in order to establish a personnel system which will recruit, select, develop, and maintain an effective and responsible work force. These Personnel Policies can only be amended by subsequent Resolution adopted by the Board of Commissioners.**

Procedures outlined herein are written around employees with a supervisor and a department head. When the individual concerned is a supervisor or a department head the individual at the next level in the chain of command will be the designated person with supervisory responsibility.

## **SECTION 2**

### **Coverage**

All persons in the county's employ shall be subject to these regulations, except as noted below.

- 1) This policy shall not apply to elected officials.
- 2) Except for Article I, III, Sections 9, 11, 12, 13, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XIV this policy shall not apply to the County Manager, Assistant County Managers, Department Heads and Supervisors.
- 3) This policy shall not apply to the County Attorney appointed pursuant to NCGS Sec. 153A-114.
- 4) To the extent that they directly relate to hiring and discharge, this policy shall not apply to the employees in the offices of the Sheriff and Register of Deeds.
- 5) To the extent that they conflict with the State Personnel Act, this policy shall not apply to employees subject to said Act.

## **SECTION 3**

### **Appointing Authority**

In accordance with the provision of North Carolina General Statutes Sec. 153A-82, the County Manager shall, appoint, suspend and remove all county officers, employees and agents. Excluded from this section are officers, employees and agents who are elected by the people or whose appointment is otherwise provided for by law. As to those officers, employees or agents who are excluded from this section, the County Manager if appropriate shall recommend individuals for such appointments to the Board of Commissioners.

## **SECTION 4**

### **Responsibility of the Board of Commissioners**

The Board of Commissioners shall establish the classification and pay plan and shall make and confirm appointments when so specified, by law.

## SECTION 5

### **Responsibility of County Manager**

The County Manager shall be responsible for the administration of the personnel program. The County Manager shall appoint, suspend, and remove all county officers and employees, except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with 153A-82 of the North Carolina General Statutes and the provisions set forth in this personnel policy.

## SECTION 6

### **Responsibility of the Human Resources Director**

The County Manager, with the approval and consent of the Board of Commissioners, shall serve as or appoint a Human Resources Director or Assistant(s) who shall assist in the preparation and maintenance of the position classification plan, the pay plan, and perform other duties in connection with a modern human resources program. All actions concerning personnel (eg. hiring, firing, compensation, leave, retirement) shall be brought to the attention of the Human Resources Office immediately so that the necessary records can be maintained. The Human Resources Director's responsibilities include but are not limited to applying and carrying out these regulations and the policies adopted hereunder.



## **ARTICLE II. CLASSIFICATION PLAN**

### **SECTION 1**

#### **Adoption**

There is a position classification plan, and its periodic amendments, as approved by the Board of County Commissioners.

### **SECTION 2**

#### **Allocation of Position**

The County Manager shall, with the help of the Human Resources Director or assistants, allocate each position covered by the classification plan to its appropriate class in the plan.

### **SECTION 3**

#### **Administration of the Position Classification**

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 position are allocated. Department heads shall be responsible for bringing to the attention of the County Manager and the Human Resources Director or assistants any material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the Board of Commissioners after which the County Manager shall either 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.

Periodically, the County Manager may find it necessary to enlist the help of sources outside the County offices to ensure that the classification plan reflects the present situation in the various jobs required by the County.

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 will 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 Commissioners amend the position classification plan to establish a new class to which the position may be allocated. This revision process will generally only be entertained annually, so as to be included in the annual budget, and requires written documentation to include a performance evaluation and an updated job description.

### **SECTION 4**

#### **Amendment of Position Classification Plan**

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

## **ARTICLE III. THE PAY PLAN**

### **SECTION 1**

#### **Adoption**

The Salary Schedule, reflecting both grade level and step, as approved by the Board of County Commissioners is hereby adopted as the pay plan for Wayne 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 sector and in other public jurisdictions in the area, to changes in cost of living, to financial conditions of the County, and other factors. To this end, the County Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the County Commissioners such changes in salary ranges as appear to be warranted. Action taken relative to elected officials' and the county manager's compensation will be the responsibility of the Board of County Commissioners.

### **SECTION 3**

#### **Administration of the Pay Plan**

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

All regular full-time jobs with Wayne County are titled and assigned a salary range on the Wayne County salary scale. (All employees are hired on a probationary status, Article IV, Section 10).

The normal hiring rate for employees is the minimum of their assigned salary grade. Appointments above the hiring rate may be made by the County Manager when deemed necessary in the best interest of the County, and will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the class, a shortage of qualified applicants available at the hiring rate, and the refusal of qualified applicants to accept employment at the minimum step. Any appointment above entry level of the pay grade must be approved by the County Manager.

### **SECTION 4**

#### **Merit Increases**

The availability of merit increases in a given fiscal year is a budgetary consideration and is driven by individual employee performance. The amount of funds available is determined and allocated by the Board of Commissioners.

Merit increases are not automatic, but may be awarded for the following reasons: 1) exceptional work achievements, 2) excellence in work performance, and 3) special contribution to productivity. If funds are available each employee may be considered annually for a merit increase prior to the beginning of the next fiscal year. Such merit increases must be recommended by the department head and approved by the County Manager. If approved, the merit increases will be reflected in the paycheck that is compensation for work completed after the beginning of the new fiscal year. Even though all regular employees will be considered for merit increases, only those employees who exceed the standard and/or expected performance will receive a merit increase. The number of employees who receive merit increases will be consistent with funds available for this purpose. Merit increases may be paid in bonus form.

The performance evaluation system, designed to facilitate fair and equitable merit pay decisions, must meet the needs of both management and employee. From these performance evaluations, recommendations for merit increase will be made.

An employee's absence from work, due to sick leave, leave without pay, leave due to injury on the job, or any other authorized leave, may be cause for the department head to request an extension for the annual performance evaluation review, so as to allow adequate evaluation of performance.

The following factors will be considered when evaluating employees:

- a) Quality, quantity, and knowledge of work;
- b) Relationship with co-workers as exemplified by willingness to accept assignments;
- c) Amount of guidance and/or supervision required.
- d) Initiative and application of time; Performance when dealing with the public;
- e) Relationship of performance to present pay.

All requests for merit increases will be fully documented, and will be granted only to employees who have performed above the standard for his/her position. This documentation shall be a written justification not to exceed one (1) page.

## SECTION 5

### **Payment at a Listed Rate**

All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

When an employee attains the maximum rate of a salary range for his/her present position, no further salary increases will be received (except for cost of living increases) unless:

- a) The position is reclassified;
- b) The employee is promoted to another position with a higher salary range, or; the salary for the present position is increased.

## SECTION 6

### **Salary of Trainee**

An applicant hired, or employee promoted to a position in a higher class, who does not meet all the established requirements of the position, shall be appointed with the approval of the County Manager to the minimum of the next pay grade below the pay grade which has been approved for that class. All such county employees shall be designated "Trainees" based upon recommendations of the department head with the approval of the County Manager. An employee in a trainee status shall continue to receive a reduced salary until the department head and the County Manager shall determine that the trainee is qualified to assume the full responsibilities of the position. This period of time shall normally be considered to be not less than four months and not more than one year. Written notification from the department head of a change in status will become part of the employee's personnel file.

## SECTION 7

### **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 in accordance with the following rules:

- a) When a promotion occurs the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which he/she is promoted. If an employee's current salary is already above the minimum salary rate, his/her salary may be adjusted one step upward or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
- b) When an employee has satisfactorily completed a period of "trainee" status and the department head has submitted the necessary paperwork to the personnel section, the employee's salary will be adjusted according to Section 6 of this article.
- c) When a demotion occurs as a result of a reclassification due to a reallocation of duties and responsibilities or other action not attributable to any fault of the employee, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary may remain the same until general schedule adjustments or range revisions bring it back within the lower range; or the employee's salary may be reduced to any salary within the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range.
- d) When a demotion occurs for cause attributable to the fault of the employee, the employee's salary shall be adjusted so that it does not exceed the maximum of the range for the new position.
- e) When a transfer occurs from a position in one class to a position in another class assigned to the same pay range, the employee shall continue to receive the same salary.
- f) When a reclassification occurs, the employee whose position is reclassified to a class having a higher salary range shall be increased to the minimum step of the new salary range. If the employee's current salary is already above the minimum salary rate, his/her salary may be adjusted upward or left unchanged at the discretion of the County

Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

- g) Persons hired to fill a vacancy in a job approved by the Board, but not assigned a specific salary grade, shall be entered on the payroll at a dollar figure established by the County manager which is equal to or less than that amount budgeted for the current year by the Board of Commissioners unless the Board takes formal action otherwise.

## SECTION 8

### **Pay for part-time work**

Part time employees may be separated into three categories, regular part time working over 1, 000 hours per year, part time working less than 1,000 hours per year which includes temporary / seasonal employees.

Regular part-time employees working over 1,000 hours per year are persons in a regular position working a regular schedule whose duties require more than 1000 hours per year but fewer than thirty hours per week. Such employees are hired with the understanding that they will earn vacation and sick leave hours and participate in the Local Government Employees Retirement System but will not receive county paid insurance. Budgetary considerations must be made for the employer contribution to the Retirement System, 401K, vacation and sick leave for employees.

Part time employees, which includes temporary and seasonal employees, are persons working fewer than 1000 hours per year. Such employees shall not be eligible for annual leave, sick leave, paid holidays retirement benefits, or County-paid insurance benefits and may be terminated by the County at will at any time. Part-time employees shall be eligible for Worker's Compensation Insurance coverage and subject to Social Security regulations applicable to the County.

## SECTION 9

### **Flex Time**

Under limited circumstances, employees of Wayne County who work in the same capacity, may, at their option, substitute work hours as long as such substitute has prior approval by the immediate supervisors of each employee involved. However, it is understood that no overtime hours may be generated as a result of such substitutions. This applies only to those employees performing standard shift work. All flex time must be authorized in advance by the county manager.

## SECTION 10

### **Payroll Deductions**

Federal and State income taxes, Social Security tax, other legally required deductions, and local government employee's retirement system contributions shall be payroll deducted as authorized by law and/or the County commissioners. Any other payroll deduction must be approved by the Board of Commissioners.

## SECTION 11

### **Overtime**

Overtime for employees other than law enforcement and detention employees is defined as time worked over 40 hours in a given seven-day work week beginning Saturday mid-night. All overtime worked in every department must have the prior approval of the county manager, except in cases where emergency situations occur. Accounting for overtime for all departments shall be done on the official payroll time card or record. Overtime for law enforcement and detention employees, however, shall be based on a 28-day cycle with overtime being any hours worked in excess of 171 hours for law enforcement and detention employees during the cycle. The 911/EMS personnel work on a fluctuating workweek. Telecommunicators and EMS employees week begins Sunday at 7:00 a.m. All overtime shall be paid or compensated for in accordance with the FLSA.

The payment (cash/compensatory time) for overtime will be made only for hours worked over and above a 40- hour, seven day work week for other than law enforcement and detention employees. Overtime payment for covered nonexempt law enforcement and detention employees will be made only for hours worked over and above 171 hours during a 28-day cycle.

Hours worked in excess of those listed in the preceding paragraphs is considered overtime for pay purposes. Pay for vacation time, sick time, holidays, etc. is not pay for time worked and is therefore not considered as hours worked for purposes of overtime computations. Pay for overtime hours worked shall be at the rate of one and one-half times the employee's hourly rate of pay.

Compensatory time off for overtime hours worked may be provided in lieu of immediate overtime pay in cash in accordance with appropriate current FLSA rules, at the option of the County Manager, for covered nonexempt employees.

1. Covered nonexempt employees shall be granted compensatory time for overtime hours worked at a rate of one and one-half hours for each hour of overtime worked subject to the following provisions:
  - a. The maximum compensatory time which may be accrued by any affected employee shall be 480 hours (ie. not more than 320 hours of actual overtime hours worked) for all law enforcement and detention employees and 240 (ie. not more than 160 hours of actual overtime hours worked) for all other employees. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.
  - b. An employee shall be encouraged to use accrued compensatory time within a reasonable period, e.g., within ~~30~~ 180 days, if to do so would not unduly disrupt the operations of the work site.
  - c. Nonexempt employees having accrued compensatory time upon termination of employment shall be paid for such time which shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.
  - d. Compensatory time off is encouraged with covered nonexempt employees when it is given within the same work week and for law enforcement and detention employees within a twenty eight day cycle to avoid an overtime situation from occurring. Accrued compensatory time must be used before other paid leave will be approved.
2. Exempt employees shall not receive payment or compensatory time off for hours worked, travel time, attendance at meetings, etc. in excess of the normal work week. However,

exempt employees who are required to work on an authorized holiday shall be given a compensatory day off at another time.

All employees shall be required to work holidays, weekends, and non-duty hours if instructed to do so by department head or supervisor.

#### SECTION 12

##### **Payroll Procedure**

All employees shall be paid monthly. Pay day shall be the twenty-fifth (25<sup>th</sup>) of each month, except when this date falls on Saturday, Sunday, or holidays. In this event, pay day shall be the last working day prior to the twenty-fifth (25<sup>th</sup>). Pay day in December shall be on the twentieth (20<sup>th</sup>), unless such date falls on a Saturday or Sunday. In that event, payday shall be on the last working day prior to the twentieth (20<sup>th</sup>). Salaried employees are paid for the entire month.

#### SECTION 13

##### **Salary Adjustments**

Salary adjustments shall become effective on the date of the actual adjustment and will be reflected in the paycheck that is compensation for work performed during the pay period immediately following the adjustment.

## **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

Competitive service employees should utilize the State Personnel Act.

### SECTION 1

#### **Statement of Equal Employment Opportunity Policy**

It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity, and to identify and attract the most qualified applicants for all present and future vacancies. This intent is achieved through consistency in announcing all positions, evaluating all applicants on the same criteria, and by applying testing methods through the local Employment Security Commission. Equal employment opportunities are allowed without regard to sex, race, religion, color, national origin, age, or non-disqualifying handicap.

### SECTION 2

#### **Recruitment - Responsibility of Human Resources Director**

The Human Resources Director shall be responsible for an active recruitment program to meet current and projected manpower needs, through procedures that will assure equal employment opportunities based on reasonable performance related job requirements. To accomplish this, the efforts of the Human Resources Office and all county departments must be coordinated in a timely manner.

All position announcements should be posted for a minimum of seven (7) working days at 1) The County Human Resources Office, and 2) the local Employment Security Commission, which have been designated as the established referral sources. Optional recruiting publicity shall be carried out through media appropriate to the position. In extreme circumstances where a situation requires immediate action, the posting period requirement may be waived by the appointing authority.

### SECTION 3

#### **Job Advertisements**

Recruiting announcements shall include information pertinent to the position/work involved, including at minimum, the title, salary grade and range, key duties, knowledge and skill requirements, minimum education and experience standard, contact person, special certification or licensing requirements, and application closing date. In addition, assurance of Equal Employment compliance shall be contained on the County application.

### SECTION 4

#### **Application for Employment**

The Wayne County standard application shall be the “standard state of North Carolina employment application” or the County of Wayne Application. Applications shall be accepted only for positions currently available. All applications submitted must be able to be categorized according to the established job categories for filing purposes. Applications should be made to the Human Resources Office. Applications accepted within an agency or department will be forwarded to the Human Resources Office immediately. Referrals to departments may be made through the County Human Resources Office or the local Employment Security Commission.



## SECTION 5

### **Application Tracking**

The Human Resources Office shall be responsible for maintenance of records of all job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and the specifics on the pool of applicants considered for each vacancy.

The specifics shall include a file containing all applicants, their social security numbers, and test scores, when applicable, for each job vacancy. To the extent that it is practical, reference to these records shall be made periodically in connection with the county's overall selection procedures, to insure that equal consideration is given to all qualified applicants.

## SECTION 6

### **Qualified Standards**

All applicants considered for employment or promotion, shall meet the employment standards established by the class specifications relating, to the position to which the appointment is being made.

All appointments shall be made on the basis of merit and without regard to politics, age, race, sex, color, non-disqualifying handicap, religious affiliation, or national origin.

If the duties of the position may involve operation of county owned/insured vehicles, the department head shall initiate a review of the driving record of the final candidates, which will become part of the Personnel file.

A review of criminal records and credit records of final candidates may be conducted by the Human Resources Office.

Pursuant to NCGS Sec. 153A-103, the Board of Commissioners must approve the appointment by the Sheriff or 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.

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. Trainee status is discussed in Article III Section 6.

## SECTION 7

### **Selection**

Selection shall be based upon the selection policy established by the County Manager. The Manager shall develop a selection process which the Human Resources Office and department heads shall use to fill positions. All selection methods developed shall be fair, accurate and nondiscriminatory.

Upon request, the Human Resources Director will rank the applicants by qualifying standards and submit the top three to five (3-5) applicants for the position to the department head. This will reduce the screening efforts on behalf of the department head who can then concentrate his/her efforts on interviewing the applicants. Department heads will then recommend a candidate for the position to the County Manager or an Assistant County Manager for approval and appointment.

## SECTION 8

### **Promotion of an employee to fill a vacancy**

Candidates for promotion shall be chosen on the basis of their qualifications and their work records without regard to age, sex, race color, creed, religion, political affiliation, national origin, or non-disqualifying handicap. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur. The posting period must still be held in accordance with Section 2 of this article.

If a current county employee is chosen for promotion, the department head shall forward the request to the County Manager with recommendations for the classification and salary along with reasons for selecting the employee over other applicants. After considering the department head's recommendation, the County Manager shall make or reject the appointment and, if appointed, determine the classification and starting salary.

## SECTION 9

### **Notification of Appointments**

As soon as an appointment is made, prior to the employee officially beginning work, the department head shall notify and coordinate with the Human Resources Director regarding the appointment. The Personnel Action Form, the original application for employment, test score sheet, when applicable, and any additional supporting test documents shall be forwarded to the Human Resources Director immediately. This will also provide an opportunity to schedule the new employee for New Hire Orientation in the Human Resources Office.

## SECTION 10

### **Probationary Period of Employment**

An employee appointed to a position will serve a probationary period of six (6) months. Any employee serving a probationary period following initial appointment may be dismissed without the dismissal procedures stated in Article VII at any time during the probationary period if found to be performing assigned duties unsatisfactorily.

Employees completing the probationary period will be considered regular employees and notification of such from the department head will be placed in the employees personnel file unless his/her department head indicates in writing, for the County Manager's approval, that the employee:

- a) Is not performing satisfactory work and:
  - 1) should be dismissed or
  - 2) should have probation extended not to exceed one (1) month.
  
- b) Should not be retained in the present position and should be:
  - 1) demoted
  - 2) transferred
  - 3) dismissed

## SECTION 11

### **Transfer**

If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be forwarded to the personnel section during the recruitment period for the position. The request for transfer shall be subject to approval by the County Manager. The job vacancy must be posted in accordance with section 2 of this article and the procedures followed will be in accordance with section 9 of this article. Any employee transferred without his/her having requested it may appeal the action in accordance with the grievance procedure outlined in Article VIII.

## **ARTICLE V. CONDITIONS OF EMPLOYMENT**

### **SECTION 1**

#### **General Policy of the County of Wayne**

It is the general policy of the Wayne County Board of Commissioners that all employees shall have at least a high school education unless this qualification is waived through the job description for that position.

Acts committed while on duty or off duty considered conduct unbecoming to a public employee may be considered grounds for dismissal.

Any falsification of application, required forms such as driving record or information release forms, or other items containing misleading statements is cause for immediate dismissal.

### **SECTION 2**

#### **Legal offenses or Dishonorably Discharged**

Persons convicted of a felony or of a charge involving moral turpitude are not disqualified from applying to the County for employment. Neither are persons who received a less than honorable discharge by the armed forces of the United States. The circumstances surrounding the crime and conviction or discharge will be investigated. This information will be brought to the Manager's office and the department head and the County Manager shall review the circumstances.

### **SECTION 3**

#### **Gifts and Favors**

No official or employee shall accept any personal gift, favor, or thing of value that may tend to influence that employee in the discharge of duties. No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

### **SECTION 4**

#### **Political Activity Restricted**

Every employee of Wayne County has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of political organizations in accordance with the constitution and Laws of the State of North Carolina and by the Constitution and Laws of the United States of America. However, no employee of Wayne County shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- c) Be required as a duty of employment or as a condition of employment, promotion, or tenure of office, to contribute funds for political or partisan purposes;

- d) Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- e) Use funds, supplies, or equipment of the County for political or partisan purposes.

Employees subject to the State Personnel Act and employees in certain federally-aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting b, c, and d above, also prohibits candidacy for elective office in a partisan election.

## SECTION 5

### **Outside or Additional Employment**

The work of the County shall take precedence over the other occupational interests of full-time employees.

Any person in the full-time employ of the county that enters into a business or takes a second job shall inform his/her department head and the Human Resources Office. Activities shall not entail the occupation of time or effort while the employee is on duty for the County and no property of the County or property leased or rented by the County shall be used in these pursuits.

No person holding a county job that requires a specialization or knowledge can partake in a private business where this knowledge and influence associated with their County position could play a factor in the success of this endeavor. No officers or employees of the County shall engage in any additional business or job that would involve their receiving funds remitted by the County of Wayne. All employees must have a minimum of eight (8) hours downtime before their shift begins.

Conflicting outside employment that results in conduct unbecoming a public official may be deemed improper conduct and shall subject each employee to disciplinary action, up to, and including dismissal.

## SECTION 6

### **Dual Employment**

Persons employed by the County are hired by one particular department at an appropriate pay grade and step. No employee will be permitted to perform services for additional compensation (or other benefits) for another department or the same department without prior approval from the County Manager.

## SECTION 7

### **Delinquent Taxes**

Taxes collected in Wayne County are used to fund the various offices and agencies that the County supports and administers. Delinquent taxes may be deducted from the employee's monthly pay check after proper notification has occurred.

## SECTION 8

(left blank intentionally)

## SECTION 9

### **Driving or Working Under the Influence**

Persons employed by the County shall not, under any circumstances report to work, work or operate county owned, leased, or rented vehicles, or personal vehicles while on County business, while under the influence of drugs, including prescription drugs, if it is the opinion of a competent medical authority that driving ability is impaired by such substances. Employees being prescribed medications by a physician that affect ability to work or operate equipment must notify the department manager or supervisor immediately.

County employees shall not report to work, work or operate County owned vehicles while under the influence of or with the smell of beer or other intoxicating beverages on their breath.

Employees suspected to be in violation of this section shall be immediately reported to the County Manager who may suspend the suspected violator without pay, allowances or benefits until an investigation is conducted. If it is determined that the employee is not in violation of this section, the employee shall be returned to duty with no loss of remuneration or benefits. If the employee is found to be in violation of this section, he/she may be discharged for failure in personal conduct according to the procedures outlined in Article VIII section 2.

## SECTION 10

### **Limitation of Employment of Relatives**

The employment of close relatives within the same department or unit/section of a department, at the same time, is **STRONGLY DISCOURAGED** and requires approval of the County Manager

For the purposes of this section, "immediate family" shall be defined as wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchildren and grandparents, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named herewith.

## SECTION 11

### **JOB SHARING**

In special circumstances, the County Manager may approve a job sharing arrangement in which two employees share the duties and responsibilities of one job, with both employees working part-time/reduced schedules. Requirements for a job sharing arrangement are as follows:

- The nature of work is suitable to a job sharing arrangement;
- Although the County will provide assistance, the employee has primary responsibility for finding an employee-partner with whom to job share;
- Both employees desire a job sharing arrangement and are equally qualified to perform the job at hand;
- Both employees are accountable for performing the job to required standards, communicating with each other, and ensuring a "seamless" transition between "shifts;"
- Both employees take responsibility for not only their own performance but also that of their job share "partner."

Depending on the number of hours worked, the employees' status may change to that of part-time, rather than full-time, employees. In that instance, the employees may lose their eligibility for standard benefits or may have their benefits prorated based on the number of hours normally worked. Each case will be evaluated on an individual basis.

If a long-term absence occurs due to illness, maternity leave, or other approved leave of absence, the other employee may cover the period of absence. If this is not acceptable to the other employee, then the vacancy may be filled on a temporary basis.

If either employee wishes to return to full-time employment at a time when the other portion of their job sharing position is not vacant, the individual must apply for and be the successful applicant for a posted position.

## SECTION 12

### **WORKPLACE SAFETY**

The management of the County of Wayne has a sincere concern for the welfare and safety of all employees and the public they serve, with the goal of eliminating suffering and the cost of avoidable personal injury and illness. All Wayne County department managers have been charged with the responsibility of implementing and enforcing the County Safety Policy and will serve on the Safety Committee.

It is the County's responsibility to provide safe working conditions for all employees, comprehensive instruction covering safe work practices, and special equipment to protect employees against hazards. The County will give safety precedence over the operational expediency of short cuts and will comply with the N.C. Occupational Safety and Health Act (OSHA) and other pertinent safety laws.

The Safety Committee is charged with, and all County employees are responsible for, promoting accident prevention by actively supporting the Safety Policy and observing the safety regulations. This policy should not be considered to be comprehensive or sufficient as training materials for all departments or specific job task in Wayne County government.

This document will reference several OSHA regulations in summary or by specific regulation. The County of Wayne and its employees are classified by OSHA as a "General Industry" class. Therefore, the Code of Federal Regulations for this class will apply to all employees unless another more specific code applies.

All employers including Wayne County are held responsible for all applicable regulations to include the "General Duty Clause", which states that the employer must provide all employees with a workplace free of recognized and or reasonable hazards. To underscore the importance of workplace safety, the Safety Manual in its entirety is incorporated into this personnel policy as follows:

#### **SAFETY CULTURE AND EMPLOYEE RESPONSIBILITIES**

All employees hold safety as a workplace value.

Each individual employee is responsible for their own safety, the safety of their co-workers and the public.

Each individual employee and the department will always use safe practices first and foremost in every job task.

### **WAYNE COUNTY SAFETY DISCIPLINARY POLICY**

The Wayne County Board of Commissioners, County Manager and the Office of Emergency Services believes that a safety and health program is not effective or enforceable without some type of disciplinary policy. The Wayne County Personnel Policy states that “working safely is a condition of employment “; therefore safety must be tied to job performance.

In order to maintain a safe and healthy workplace the employee must be cognizant and aware of all county, State and Federal safety and health regulations as they apply to each specific job.

If it is determined that a Wayne County employee has willfully or negligently ignored or violated a Federal, State, County or departmental safety policy, or has been injured, caused injury or has an at fault accident due to an unsafe act, the following procedure will be utilized.

**First Instance** – oral warning, recorded in employee file, and instruction on proper actions.

**Second Instance** – written warning and instructions on proper actions.

**Third Instance** - Final written warning, possible suspension, and instructions on proper actions.

**Fourth Instance** – Dismissal

Safety violations as they relate to disciplinary action will be cumulative for a 12 month period.

All employees may be subject to immediate dismissal when a safety violation places the employee the co-worker or the public at risk of permanent disability or death. Depending on the severity of the incident the employee may fall into the disciplinary process at different levels. Other job performance issues will also be taken into account during the use of this policy.

### **OBJECTIVES**

1. The County will pursue a vigorous safety inspection effort involving all County facilities, vehicles and work procedures, to identify and correct all hazardous conditions and practices.
2. The County will actively investigate and review all accidents involving County employees and property to determine the cause of the incident and to outline preventive measures.
3. The County will conduct and document both formal and informal safety training sessions for all employees.
4. The County will establish personal protective equipment guidelines for all employees, furnish the equipment, and require its use by applicable employees.
5. The County will enforce the Safety Policy and discipline employees who violate safety policies and procedures.
6. The Safety Manual will be available to all County employees on-line on the County’s website (waynegov.com).
7. The OSHA Compliance Manual will be available to all County employees in the Wayne County Office of Emergency Services and should be requested from the Safety Director.



8. This manual will reference the Safety Director and Department Heads. These individuals will be identified by the County Manager in conjunction with the Wayne County Board of Commissioners.

### **RESPONSIBILITIES OF THE COUNTY SAFETY DIRECTOR**

#### **RESPONSIBILITIES:**

Ensure that Federal, State and Local laws, regulations, codes and ordinances are followed.

Develop accident prevention methods, procedures and programs.

The Safety Director will conduct investigations of accidents and hazardous conditions and make recommendations for corrective actions. Accident investigation teams will consist of at least three members of county Safety Committee, the Safety Director and any other individual that may have specific knowledge in the applicable area.

Conduct inspections of all County facilities.

Conduct or coordinate safety training.

Assist in the formation and activities of safety committees.

Assist in the maintenance of records and reports concerning safety issues.

Establish and maintain all County safety policies and procedures.

### **RESPONSIBILITIES OF DEPARTMENT MANAGERS**

Department Managers shall be responsible for establishing a Safety Program within their department to promote safe and healthful working conditions and practices for employees under their supervision.

#### **RESPONSIBILITIES:**

Establish departmental safety guidelines.

Ensure that safety procedures pertinent to their department's activities are developed and enforced.

Will observe safety conditions of the department on a weekly basis.

Assure appropriate training for supervisors.

### **RESPONSIBILITIES OF SUPERVISORS**

Due to their constant contact with employees, supervisors must take a primary role in the prevention of accidents and the safety of employees under their supervision.

#### **RESPONSIBILITIES:**

Provide adequate job training and instructions for their employees.

Provide continuing safety instructions while issuing daily work assignments.

Observe and evaluate working conditions and procedures for unsafe conditions or practices and report or correct any found.

Promptly investigate all accidents and complete required reports.

Encourage employees to report all unsafe conditions and practices.

Check and ensure that tools, equipment and protective devices are in place, properly maintained and used.

Be familiar with and enforce all safety procedures and practices applicable to their work.

Attend target training for specific employees.

### **RESPONSIBILITIES OF EMPLOYEES**

All employees are responsible for exercising care and good judgment in preventing accidents. Employees shall adhere to and follow all safety rules and practices as set forth in this handbook.

#### **RESPONSIBILITIES:**

Shall become familiar with and observe established safe working procedures and practices for their work activities.

Where prescribed by Departmental and/or OSHA guidelines, employees will properly wear and/or use all safety equipment.

Immediately report all work related accidents and injuries to their supervisor.

Report all unsafe conditions and practices to their supervisors.

May also report to the Safety Officer, either orally or in writing, circumstances where unsafe practices or conditions exist. Confidentiality of all reports is stressed.

Shall attend target training for specific employees recommended by supervisors.

### **RESPONSIBILITIES OF COUNTY SAFETY COMMITTEE**

The County Safety Committee shall consist of one representative from the department and shall be the department head or the designated decision maker for the department head. Appointments and deletions from the committee will be at the discretion of the department head in conjunction with the County Manager and the Safety Director.

#### **RESPONSIBILITIES:**

Create and maintain a high level of interest in and awareness of safety among all Employees.

Develop safety policies and procedures for the County Employee Safety Handbook.

Conduct inspections of all County facilities.

Encourage feedback from all employees in every area of the County with regard to problems, ideas and solutions related to safety.

Inform employees about new safety policies, training programs and other safety or safety-related matters.

Help investigate all worker's compensation injuries and near misses when applicable.

## **GENERAL SAFETY RULES**

Unsafe conditions and procedures must be identified before they can be corrected. Consequently, every employee shall be responsible for immediately reporting unsafe conditions or procedures. Safety is an individual commitment to incorporate safe work practices into every area of job operations. The following rules are established for all County employees:

Report all job-related injuries, accidents, and illness and near miss situations to your immediate supervisor as soon as possible. Federal and State OSHA laws and Worker's Compensation regulations require prompt reporting of accidents and injuries.

Never do anything that is unsafe in order to get a job done.

Use the handrails on steps and other elevated areas.

Always inspect tools and other equipment before use. Report defects to supervisor and other potential users. Do not use defective equipment or tools.

Obey warning signs and tags. They are posted to point out hazards.

Operate only the equipment and machinery you have been trained and/or authorized to use.

Never operate equipment or machinery with guards missing or broken.

Never remove or disable any safety device

Never reach over moving parts of equipment or machinery.

Report to work in appropriate clothing suitable for the type of work performed.

Maintain good housekeeping practices in all work areas.

Wear all protective equipment as required.

Working under the influence of alcohol or illegal drugs or using them at work is prohibited.

Firearms or explosives are prohibited at work.

Horseplay, running and fighting are prohibited.

### **SAFE HOUSEKEEPING:**

Aside from the accident prevention benefits, good housekeeping contributes to efficient performance. When tools, equipment and materials are returned to the proper place after use, they are easier to find and inspect for damage and wear. The following suggestions are offered for good housekeeping.

Keep work areas and storage facilities clean, neat and orderly.

All aisles, stairways, exits and access ways should be kept clear.

Do not place supplies on top of lockers, boxes or other movable containers at a height not visible from the floor.

When piling materials for storage, make sure the base is level and firm.

Lay extension cords and hoses in such a way as to minimize tripping or obstructions to traffic.

Clean up spills immediately to avoid hazards. In the event of clean up delay, the area must be appropriately guarded, posted or roped off.

Sharp or pointed objects should be stored to prevent persons from coming in contact with them.

All packing material should be disposed of immediately.

Wastebaskets should be emptied into approved containers.

Oily or greasy rags should be placed in a metal container designed for that purpose only.

All switches or drives on machinery should be shut down, locked out and properly tagged before cleaning, oiling or repairing.

Electrical panels and fuse boxes should be kept closed at all times and the surrounding area kept clear.

**OFFICE SAFETY:**

1. Keep desk and file drawers closed when not in use.
2. Do not open file or desk drawers above or behind someone without warning them.
3. Use only step stools and ladders (do not climb on counters or chairs).
4. Push chairs up to desk or under counter when not in use.
5. Do not carry loads, which obstruct your view, which are too heavy or without a prepared place to set them down.
6. Report any injury, including paper cuts, to your supervisor.
7. Get help to move heavy objects.
8. Maintain good housekeeping at all times. Wipe up spills and pick up all objects that should not be on floor.
9. Do not have an extension cord across walking areas of floor.
10. Approach blind areas cautiously.
11. Report defective furniture or equipment to your supervisor.
12. Know location of emergency exits and keep aisles clear to them.
13. Operate only those pieces of equipment you are authorized to use.
14. Assure all electrical equipment is disconnected before working on it.
15. Use fatigue mats when extensive standing is required.
16. Keep objects that can be used as projectiles inside desk drawers.
17. Assure clearance of at least eighteen (18) inches from any sprinkler.

## **ERGONOMIC ISSUES:**

“General Duty Clause. It is recommended that the provisions contained in the following office ergonomics checklist be adhered to in an effort to eliminate and/or reduce the incidence of ergonomic problems:

1. Maintain proper posture, paying careful attention to positioning of head, neck/spine, arms/wrists, hips/thighs and feet.
2. Alternate between different postures on a regular basis.
3. Use minimum force while striking the keys when keyboarding.
4. Keep a neutral position, where the forearms, wrists and hands are in a straight line.
5. Avoid awkward reaching for work tools such as telephone, mouse, and reference materials.
6. Avoid resting elbows, forearms or wrists on hard surfaces or sharp edges.
7. Take frequent mini-breaks throughout the day to give muscles and joints a chance to rest and recover.
8. Alternate between work activities, which use different muscle groups to avoid overuse.
9. Give eyes a break by closing them momentarily, gazing at a distant object, and blinking frequently.
10. Proper exercises are a complement to a complete office ergonomics program. Consult with a health care professional to select appropriate exercises.”

## **ELECTRICAL SAFETY:**

1. Extension cords should:
  - A. be as short as possible.
  - B. never be used in areas where they will be stepped on and tripped over.
  - C. never be used on work benches or floor when liquids are present.
  - D. only be used as temporary wiring unless approved by Buildings and Grounds Department.
2. Never attempt to repair or adjust electrical equipment unless authorized.
3. Do not use faulty or malfunctioning equipment unless the nature of the fault or malfunction is fully understood and is known not to be hazardous.
4. All electrical equipment must have an equipment ground, be double insulated or safety approved. For small appliances (any appliances with a two prong plug), a surge protector must be used.
5. Pull on the plug, not the cord, when unplugging a cord from the power source.
6. Report damaged or frayed cords.

7. Do not use portable electrical equipment if standing on a wet surface or if hands are wet.
8. Do not block access to electrical control panels.
9. Know where the main control panel for your department is located. Learn how to disconnect circuit in case of accident.
10. Report all accidents immediately.
11. Contact your supervisor, if you need a power strip/surge protector.

### **BLOODBORNE PATHOGENS:**

All employees should practice universal precautions when engaged in activities that may involve contact with body fluids and infectious microorganisms. This may include but not be limited to nitrile gloves, eye protection, gowns, etc. Hand washing should be a routine practice after removing gloves. Examples of this activity would be when assisting a co-worker or client that has been injured and is bleeding.

### **EXPOSURE RISK DETERMINATION:**

All job classifications should be assessed for occupational exposure to bloodborne pathogens by each department.

**CATEGORY I** – tasks that involve potential mucous membrane or skin contact with blood, body fluids, tissues, or potential for spills or splashes.

**CATEGORY II** – Tasks that involve no exposure to blood, body fluids or tissues, but employment may require performing unplanned **CATEGORY I** tasks.

**CATEGORY III** – Tasks that involve no exposure to blood, body fluids or tissues and/or **CATEGORY I** tasks are not a condition of employment.

Employees who are classified as **CATEGORY I AND CATEGORY II** should receive initial and annual blood borne pathogen training and receive appropriate Personal Protective Equipment (PPE). All **CATEGORY I AND II** Employees will be offered the Hepatitis Vaccination at no charge to them. It is optional. If the employee decides not to receive the vaccination, then a declination statement needs to be signed by the employee. If the employee decides later he/she would like the vaccine, then he/she can receive it. A Hepatitis Titer will be offered 1-2 months after the last Hepatitis shot is given.

Any department with **CATEGORY I AND CATEGORY II** job classifications should have a Bloodborne Pathogen Exposure Control Policy specific to their department.

## **HAZARD COMMUNICATIONS PROGRAM**

### **Purpose:**

This Wayne County Hazard Communication Program meets the requirements of OSHA Standard 29 C.F.R. Part 1910 and Part 1926, which ensures the necessary information to safely use, handle, and store hazardous chemicals. Wayne County has adopted the NFPA 704 labeling system. All new employees must be trained on this program the first day of employment, before they begin work. All other employees must be trained annually or before a new job starts.

**Fundamentals:**

The basic chemical safety and health fundamentals used by the company to be communicated to all employees include:

Chemical Inventory

Material Safety Data Sheets

Container Labeling

Employee Training

Emergency Response

**Chemical Inventory:**

The Supervisor must maintain a complete chemical inventory list of all chemicals used or stored on their jobsite, including subcontractors.

**Material Safety Data Sheets ( MSDS ):**

1. Each chemical listed on the inventory must have a MSDS. These can be obtained from the chemical supplier, or from the Department Manager.
2. M.S.D.S.'s will be made available on site to anyone who has a need to know.
3. The Department Manager for all qualifying departments will maintain a master copy of all chemical M.S.D.S.'s used by Wayne County personnel in the Buildings and Grounds Dept., Detention Center, Health Dept. and Solid Waste Depts.

**Container Labeling:**

1. All chemicals on jobsites will be stored in original or "approved" containers with a proper label attached.
2. A proper label shall include: Identity of the chemical, appropriate hazard warning (i.e. flammable, toxic, etc.), and name and address of the chemical manufacturer.
3. Containers not labeled will be relabeled or not used.
4. Employees may dispense chemicals from original containers only in small quantities intended for immediate use.

**Employee Training:**

All employees must be trained in this Wayne County program if they are exposed to hazardous chemicals in the workplace. Training must be provided at the time an employee is first assigned to an area/job or when a new potentially hazardous chemical is introduced into the work area.

Training will include:

1. Requirements of the Hazardous Communication Standard.
2. Our Wayne County program.
3. The work area chemical inventory list.

4. Potential hazards with these chemicals, as listed in the MSDS.
5. Location of the Material Safety Data Sheets in the work area.

### **Personal Protective Equipment ( PPE ):**

Required personal PPE is made available by Wayne County. Any employee found in violation of PPE requirements will be subject to disciplinary actions per the Wayne County's Disciplinary Policy.

### **Emergency Response:**

1. Any accident, exposure or spill of hazardous chemicals/substances must be reported to the Wayne County Office of Emergency Services immediately.
2. The supervisor will be responsible for ensuring proper emergency action is taken per the MSDS.

### **Hazards of non-routine tasks:**

1. Supervisors will inform employees of any special tasks that may arise which would involve exposure to hazardous chemicals.
2. Review of safe work procedures and use of required PPE will be conducted prior to the start of each task.

### **Subcontractors, Suppliers, other Employers:**

1. All other employers working on Wayne County property will be informed of hazardous chemicals which may expose their employees and appropriate control measures to be taken.
2. Each subcontractor or other employer working on Wayne County property premises will be advised they must comply with OSHA's Hazard Communication Standard and must furnish Wayne County with a copy of their program and MSDS's.

### **Small Appliance Policy**

All appliances, and or electrical devices must be certified by an approved and nationally recognized testing facility. These facilities or agencies are Underwriters' Laboratories (UL), American National Standards Institute (ANSI), Factory Mutual (FM), etc. These institutions certify items based on their intended use whether it is commercial or residential. The intended use and or sale to the general public dictate the set or level of testing rules and approval ratings that the independent laboratory uses.

OSHA does not certify any appliances or equipment. They rely on the above mentioned agencies to certify, rate or approve. OSHA is only concerned with the appropriate use of the appliance or equipment. Also, that it is in good working order has been installed correctly and that the employees have been properly trained on the operation of the device.

If an appliance is listed in the owners manual or certifying label as "household use only "then the equipment should only be used in a residential setting. However, some appliances are listed as "household/commercial or residential/commercial ". The owner's manual/operating guide for each individual device will explain its intended use and its maximum safe performance levels.

In summary, all equipment must be used in accordance with it's intend factory and laboratory rating and must not be restricted to "household use only ".



## **Article VI. TIME AWAY FROM WORK**

### **SECTION 1**

#### **Holidays**

Holidays for full time employees are given as they occur. :

Holidays are approved annually by the Board of Commissioners. Typically the State of North Carolina Holiday schedule is observed.

Holidays occurring during vacation leave will be paid and recorded as holidays.

If employees have excused absences for illness or reasons related to Family and Medical Leave, during a period in which the holiday falls, they will receive the holiday pay if they are on pay status.

Holidays will not be advanced.

The employee must be in a pay status on the day before the holiday occurs to be eligible. Pay status will be defined as a scheduled day off, sick leave with pay, vacation with pay, unused holiday, or a regularly scheduled work day.

With the approval of the department head, an employee may take time away from work for the purpose of observing a religious holiday. The employee may take off without pay or use accrued vacation or holiday leave.

Holidays are always paid at the straight time rate and will be excluded from hours worked in calculating overtime except for regularly scheduled employees i.e. EMS, telecommunicators, detention officers and the Sheriff Department personnel based on twelve and twenty-four hour shifts. These employees will be entitled to receive 12 hour holiday time whether the employee worked the shift or not.

### **SECTION 2**

#### **Effect of Work on Holidays and Other Types of Paid Leave**

Regular holidays which occur during a vacation, sick or other paid leave period of any officer of employee of the County shall not be charged as vacation, sick, or other paid leave.

### **SECTION 3**

#### **Adverse Weather Conditions**

Employees are expected to report to their regular work stations each regular workday and to make the necessary advance preparations so they can get to work in periods of inclement weather. If an employee does not report to work during inclement weather, he/she must account for the absence by using vacation leave equal to the time of the workday. The same applies when an employee leaves work before the workday ends. If an employee desires to leave work early, he/she must obtain approval from their supervisor prior to leaving the assigned work station.

After the County Manager makes a determination on conditions, announcements concerning delays or closing will be made on the local radio stations as soon as practical. When a decision is made to close for a full day or to delay opening, even though the employee may be on previously authorized vacation or sick leave, the employee will be excused for the period of time of the closing. When a decision is made to dismiss employees earlier than the regular closing time, employees on duty at the time of closing, those expected to report to duty before the close of the normal business day, and employees on approved leave will be excused for the period of time of the closing without charge to leave.

Employees performing essential duties are not excused as provided in this section. This class of employees should contact their supervisor. Included in this list are: Sheriff's office, jail, Emergency Medical Services, Emergency Management, Communications and Facilities.

Employees whose shifts or assignments are not affected by the adverse weather conditions will receive their normal compensation for work performed. Employees who work more than the time set by the Manager, either by coming in earlier than the adjusted opening time or staying after the adjusted closing time, are to be commended and will receive their normal compensation for work performed. No additional pay, overtime pay or compensatory time off will be awarded for unauthorized additional time worked during the adverse weather conditions schedule.

When the County Manager makes a determination to close operations due to inclement weather, full time county employees are granted time off with pay and are not required to use leave time. Full time employees who must report to work are paid additional straight time pay for reporting or given the same amount of time off with pay at a later date.

#### SECTION 4

##### **Annual Vacation Leave**

Vacation with pay is granted to all regular full-time and regular part-time employees after thirty (30) days of service.

Vacation leave is earned and accrued from the first day of employment for eligible employees. Vacation leave, after three months of service, may be taken as earned by an employee subject to the approval of the supervisor. For the purpose of earning and accruing annual leave, the twelve (12) calendar month period between January 1 and December 31 is established as the leave year.

#### SECTION 5

##### **Manner of Accumulation**

The rate is based on length of aggregate covered service. Leave for eligible employees accrue vacation on a monthly basis determined by length of service. Employees who are employed full-time shall accrue vacation from the initial date of employment. Please note that leave is accumulated monthly and is posted as accrued at the end of the month and cannot be used in advance of that accrual.

Any employee who transfers from another unit of local or state government shall have their years of service (determined by the balance number of years paid into the Local Governmental Employees Retirement System, the Law Enforcement Retirement System, or the State Employees Retirements System) credited toward the county schedule for determining vacation rates. They shall not be given credit for the actual days of vacation earned at any other unit of local or state government.

<u>YEARS OF AGGREGATE COVERED SERVICE</u>	<u>DAYS GRANTED EACH YEAR</u>
Less than 2 years	12 DAYS*
2 but Less than 5 years	14 DAYS*
5 but Less than 10 years	17 DAYS*
10 but Less than 15 years	20 DAYS*
15 but Less than 20 years	23 DAYS*
20 years or more	26 DAYS*
*One day equals eight (8) hours for accrual purposes	

For annual leave earned above the minimum, such shall be computed beginning with the first day of the pay period following the pay period of the employee's anniversary date.

#### SECTION 6

##### **Maximum Vacation Leave Accumulation**

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment of accumulated leave shall not exceed hours equivalent to 240 hours. Any non-scheduled workday falling within the normal vacation period shall not be considered as part of vacation leave. On December 31, any employee with more than 240 hours of accumulated leave shall have the excess accumulation transferred to their sick leave balance so that only 240 vacation hours are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation.

#### SECTION 7

##### **Separation**

Except as noted below, an employee who is separated without failure in performance of duties or personal conduct shall be paid a lump sum payment for leave at the time of separation, not to exceed the maximum of 240 hours. This separation can be due to resignation, after having given two-week notice, reduction-in-force, death, and service retirement. An employee shall not receive a lump sum payment for vacation leave if each of the following conditions occurs: (1) The employee's separation results from dissolution of a County department by the Board of County Commissioners; (2) The Board contracts with another entity for provision of that department's services; (3) The Board, through contractual provision, requires such entity to offer employment to employees of the dissolved department and to accept transfer of their accrued vacation; and (4) The employee accepts such employment. In this event, the employee's accrued vacation leave will transfer to the new service provider.

Upon the death of an employee, there shall be paid to his estate a sum equal to all unused annual leave, not to exceed 240 hours.

An employee ceases to accumulate leave during the period of final separation. The last day of work is the date of separation even when the employee receives pay for accumulated vacation leave extending beyond this date.

## SECTION 8

### **Vacation Policy**

- a) Pay in lieu of vacation shall not be an option.
- b) Upon written request, an employee may elect to use earned vacation days for illness
- c) An employee going on an approved leave of absence may request to use vacation time for the absence to the full extent of leave accumulated to the date leave began.
- d) Employees transferring between departments do not have their accrual rates or accrued vacation time affected.
- e) If an employee is on vacation and becomes hurt or ill, that person may exercise the option to use sick time; the Department head may request medical verification.
- f) Employees must have vacation accrued before it can be taken. The County does not normally advance vacation time.
- g) At the end of each benefit year on December 31, any County employees with accrued annual vacation leave in excess of 240 hours shall have this leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be authorized for sick leave purposes. And, like regular sick leave, converted sick leave may be counted toward creditable service at retirement up to a maximum of 96 total sick leave hours per year of service.

## SECTION 9

### **Sick Leave**

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the County. Full time employees of the County are granted up to 8 hours of sick leave per month of active employment during a year. The amount of sick leave that may be accumulated is unlimited. An employee may be granted sick leave if the absence is due to:

- a) Sickness or bodily injury which may prevent an employee from performing his/her regular duties.
- b) Medical/Dental Appointments
- c) The actual period of temporary disability cause or contributed by pregnancy, miscarriage, childbirth, and recovery therefrom. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employees period of temporary disability recognized as sick leave.
- d) Quarantine due to a contagious disease in the employees immediate family, or exposure to a contagious disease when continuous work might jeopardize the health of others.
- e) Illness in the employee's immediate family which requires the care of the employee not to exceed 240 hours. Longer absence will require the approval of the Manager.

It is the responsibility of the employee to inform his/her immediate supervisor not later than 30 minutes after reporting time of the first full day of absence due to sickness. Said notification should include a statement of the nature of the circumstances bringing about the absence and the anticipated period of absence. If the reason for the sick leave is one outlined in Section 11 of this Article, Family and Medical Leave, the sick time taken shall count toward the employee's 12 weeks of FMLA leave. In the case of serious illness or emergency circumstances, it is the responsibility of the employee to notify his/her immediate supervisor as to the above information as soon as possible.

When it is the opinion of the department head that an employee is abusing his or her sick leave or is using sick leave as it is earned, the department head may request the employee to furnish a doctor's note to verify the employee's condition which requires absence from work.

Employees who are separated and are not reinstated with Wayne County within a twelve (12) month period, shall lose all sick leave credits. No employee shall be paid for any accrued sick leave at termination. Retiring employees may use sick leave credits to count toward retirement calculations. Employees separating to work for another public entity that accepts transferred sick leave credits may have their sick leave credits transferred. In all other circumstances, an employee forfeits any sick leave credits at time of termination.

Employees may share sick leave with other employees that have exhausted sick and annual leave due to an extenuating illness. A "Sick Leave" sharing form must be completed and approved by the Human Resources Director or County Manager before transfer of sick leave occurs. No employee may receive more than 240 hours of shared sick leave.

For the purposes of this section, "immediate family" shall be defined as wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchildren and grandparents, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those named herewith. Children for whom the employee is currently providing foster care will also be considered "immediate family".

## SECTION 10

### **Transfer from Other Agencies**

Unused sick leave earned from another North Carolina Governmental agency and/or entity, will be accepted and transferred to Wayne County. A new employee, who is employed by the county in a benefited position and who comes to the county **directly** from a local or state governmental retirement system, may have his/her sick leave balance transferred to the county.

- a) The employee is responsible for requesting the transfer and solely responsible for obtaining a certification of the prior sick leave balance from the former employer and submitting it to the county within six (6) months of employment. This certification should include (1) the final unused sick leave balance and (2) the dates of covered employment with the other agency.
- b) Upon employment with the county and proof of a prior, eligible sick leave balance, the employee will be immediately credited with his/her sick leave balance with the county up to a maximum of eighty (80) hours.
- c) Upon the completion of five (5) years of continuous service with the county, the employee's remaining prior employer balance will be credited, provided the total number of hours does not exceed eight (8) hours per month of covered service with the prior employer.

## SECTION 11

### **Family and Medical Leave Policy**

In accordance with the Family and Medical leave Act of 1993, effective August 5, 1993, **and updated on January 16, 2009**, Wayne County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the Act. The terms used in this Section which are defined in the Act shall have the meanings assigned to them therein.

To be eligible to take leave under this section, the employee must: (1) Have been employed by Wayne County for at least 12 months; (2) Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. The eligible employee is entitled to a total of 12 workweeks of leave during any 12 month period (or until the exhaustion of accrued sick leave, whichever is greater). The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave (except that such measure may not extend back before August 5, 1993).

Wayne County will grant leave pursuant to this section:

- 1) For the birth of a son or daughter, and to care for the newborn child;
- 2) For the placement with the employee of a son or daughter for adoption or foster care;
- 3) To care for the employees spouse, son, daughter, or parent with a serious health condition(s);  
and
- 4) Because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job.
- 5) For a spouse, son, daughter, parent, or next of kin to take care of a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness (up to 26 workweeks).
- 6) For any qualifying exigency (determined by the Secretary of Labor), arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

If FMLA leave is requested for a purpose for which the County grants sick leave pursuant to Section 9, the employee shall be required to use accumulated sick leave for all or part of any (otherwise) unpaid FMLA leave; provided, however, that the employee shall be allowed to retain one week of sick leave. An employee may, but is not required to, substitute earned vacation leave for FMLA leave.

Pursuant to Section 9 of this Article, it is the duty of each employee to indicate the nature of circumstances bringing about a request for sick leave. If an employee uses sick leave for a purpose which would qualify as FMLA leave, then the amount of such sick leave shall be counted against the employee's 12-week FMLA entitlement.

In cases in which the need for leave is foreseeable, such as an expected birth or a planned medical treatment, the employee is required to provide the employer with at least thirty (30) days' notice before the date the leave is to begin. In cases when circumstances do not permit this, the employee is to provide

notice as soon as practical. The notice shall be sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. The notice shall be forwarded to the Human Resources Director with a recommendation from the department head with respect to scheduling concerns. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

An employee requesting FMLA leave: (1) to care for the employee's seriously ill spouse, son, daughter, or parent, or (2) due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, shall provide certification of the health care provider of the employee or the employee's ill family member within fifteen (15) calendar days of the County's request for verification on a form prescribed by the County. The County may require re-certification if the employee requests an extension of leave, if circumstances described by the original certification have changed significantly, or if the County receives information that casts doubts upon the continuing validity of the certification. Prior to returning to work, each employee who was out for his/her own medical condition shall provide a fitness-for duty certification from the health care provider, if requested by the Department Head..

During a period of absence, the County shall request a monthly report on the employee's status with respect to returning to work. These may be made by telephone, written correspondence or sent by fax.

While an employee is on FMLA leave, the County will continue to pay the County's portion of the employee's monthly health insurance premium. The employee will continue to be responsible for any co-payment or premium for dependent coverage. If the FMLA leave is unpaid, the employee shall pay to the County his or her co-payment or premium for dependent coverage on the same schedule as payments are made under COBRA.

If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the employee shall reimburse the County for the monthly health insurance premiums paid, unless the reason the employee does not return is due to (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee leave under FMLA; or (2) Other circumstances beyond the employee's control. When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee shall provide medical certification of the employee's or family member's serious health condition.

Failure to report for duty at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

## SECTION 12

### **Worker's Compensation**

The North Carolina Workers' Compensation Act provides medical expenses related to the occupational injury or disease and wage compensation after an initial waiting period of seven days. If an employee is unable to return to work after the seven day waiting period, they will receive weekly compensation of 66 2/3 percent of their average weekly wage for the past twelve months but not to exceed the maximum established by the State law. If the disability exceeds 21 days, compensation at the rate of 66 2/3 per cent of the average weekly wage for the first seven days is paid retroactively. To protect the income of the employee, the County will compensate the employee for an initial time loss up to seven days at the employee's regular rate of pay. If the disability exceeds 21 days, the Workers' Compensation Provider

will be notified to reimburse the County for the first seven days at the rate of 66 2/3 per cent of the average weekly wage of the employee.

For the purposes of benefits accrual, the employee is considered to be on a leave without pay status. The leave without pay status continues until the employee successfully returns to work. Medical insurance benefits will continue for the employee as set out below. Contribution for dependents remains the responsibility of the employee.

To qualify, an employee must immediately report any job-related injury or disease to their supervisor/manager. Medical services for work related injuries or diseases must be obtained from the County's designated and authorized medical provider unless the injury is an emergency and requires immediate attention and a designated provider is not immediately available. In the event the employee is instructed by the supervisor/manager to report for treatment and the injury or disease is later determined by the Workers' Compensation carrier to not be job-related, the employee should file the expenses for care with their personal medical insurance provider and forward to Human Resources bills reflecting co-pays or deductibles that apply to care given up to the point of notice of denial from the Workers' Compensation carrier.

If an employee is able to work, they may seek necessary follow-up medical care during their scheduled work time. The employee will notify department supervisor on a timely basis of scheduled medical treatment visits. The employee will not have sick or vacation leave deducted for this time away from work. Hospitalization and health insurance will not be provided at employer expense after three months of workers compensation leave status; however, the employee may enroll in COBRA at that time.

It is the intent of the County of Wayne to provide as safe work environment as possible. Employees are required to attend safety training applicable to their position and report unsafe conditions to their supervisors. Working safely is a condition of employment. Failure to do so will be considered poor work performance and subject to Article VIII.

## SECTION 13

### **Worker's Compensation – Temporary Light Work Assignments**

An employee who is temporarily disabled from their regular job as a result of an on-the-job injury may be able to be productive and return to a light work assignment during the temporary disability period.

Each Department shall attempt to locate and assign productive, light work for employees who are temporarily disabled for their regular job from an on-the-job injury. All such light work assignments will be within the physical limitations described by a physician.

- A. The treating physician under the County's Workers' Compensation program shall be encouraged to release temporarily disabled employees to a light work status and describe the employee's physical limitations in sufficient detail to enable the County to determine a suitable work or task assignment.
- B. The employee's regular work unit shall attempt to locate or design a work assignment within the physical limitations described.
- C. If the usual work unit is unable to assign suitable work, the Human Resources Office will be contacted to determine if there are suitable work assignments in other work units. If so, the employee may be temporarily assigned to the other work unit. The employee's time sheet will be maintained by his/her regular work unit and coded "MDWC" (Medical



Disability Worker's Compensation) and his/her paycheck will continue to be distributed to his/her regular work unit.

- D. The employee continues on his/her regular pay status during the light duty period.
- E. Upon release to regular work without restrictions, the employee will be returned to his/her work unit and his/her regular job.
- F. Use of temporary light work assignments is not intended to include other sickness or injury experienced away from work by the employee.
- G. Each Department Head shall be responsible for the review, coordination/implementation of temporary light work assignments.

#### SECTION 14

##### **Non-FMLA Leave Without Pay**

Leave without pay is an administrative decision and may be granted for up to, but not to exceed three months, by the county Manager, upon recommendation of the department head and agreement of the Human Resources Director. The needs of the department are paramount in granting leave without pay.

Upon returning from leave without pay, the employee shall not be guaranteed a position of the same classification, seniority and pay."

Failure to report for duty at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

All vacation and sick leave, if applicable, must be used prior to requesting leave without pay.. Vacation and sick leave credits will not be accrued during leave without pay. Hospitalization and health insurance, provided for the employee by the employer during regular pay status, will not be provided at employer expense benefits during leave without pay, unless the employee is on pay status a minimum of half the working days during the calendar month. The employee may enroll in COBRA during this time.

#### SECTION 15

##### **Military Leave**

The County Manager, upon the recommendation of the supervising department head, may grant up to eighty (80) working hours military leave with pay in any fiscal year to any full time county employee who attends and participates in a military training period or other required reserve activity. In such instance, a copy of that individuals orders will be provided to the office of the County Manager upon request for such military leave. Military leave shall not be charged against the annual leave or sick leave to which the employee may be eligible.

If such military duty is required beyond this eighty (80) hour period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

This section DOES NOT apply to reserves called to active duty.

While taking military leave, if the employee becomes ill or disabled, and is under orders and compensated for by the Federal Government, he/she is not eligible for paid sick leave from the County during that period.

## **SECTION 15 –A**

### **Military Leave – Leave Without Pay Due to Active Duty Orders**

Employees, who also serve as Guardsmen or Reservist, and who are called to active duty that extends beyond the eighty (80) working hours in any fiscal year (See Article VI, Section 15) shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

While taking such military leave – Leave Without Pay Due to Active Duty Orders, if the employee becomes ill or disabled, and is under orders and compensated for by the Federal Government, he/she is not eligible for paid sick leave from the County during that period. The employee also does not accumulate additional sick leave and vacation leave during this unpaid leave. The employee may choose, for a period of up to two years, to remain on the County's health plan with the County covering the employee's expense and the employee continuing to pay any applicable expense for dependent coverage.

## **SECTION 16**

### **Civil Leave**

A regular full time or regular part time County employee called for jury duty or as a witness of the court for the federal or state government, or a subdivision thereof, is entitled to leave with pay for such duty during the required absence. The County employee is entitled to regular compensation plus any compensation received for jury duty.

## **SECTION 17**

### **Administrative Leave**

Administrative leave may be granted for donating blood.

As an employer, Wayne County encourages the donation of blood to the American Red Cross and to hospitals. In the event that an employee wishes to participate in this activity, he/she may request administrative leave for up to three hours for this purpose. This leave may be approved by the supervisor or department head once every two months, as a donor must wait at least 56 days in between donations and providing it does not cause disruption of work in the unit or department.

While the County supports other medical donations, those requiring more time than allowed above will require the employee to use accumulated sick or vacation leave.

Department Managers are authorized to provide time off with pay to employees participating in volunteer emergency and rescue services. Each department manager is responsible for determining that a bona fide need for such services exists within a given area. A bona fide need should be defined as real or eminent danger to life or property. The employee must provide the department manager with sufficient proof of membership in an emergency volunteer organization and show that performance of such emergency services will not unreasonable hinder agency activity for which the employee is responsible.

SECTION 18  
**Educational Leave**

An employee may be granted educational leave to participate in a job-related, short course, such as an update. The course must be directly job-related and must be intended to enhance the performance of present job duties. This leave must be recommended by the department head and approved by the County Manager prior to the commencement of the course. A written request from the department head to the County Manager must include the details involving cost to the County, nature of training, use of County time, use of County funds, and arrangements for lodging, meals and travel. An employee must also stipulate, in detail, the anticipated effects on work performance as direct result of such training. The employee will receive his/her regular compensation during such approved educational leave. No compensation or reimbursement will be given to an employee whose leave is not approved. No compensation or reimbursement will be given if the course is taken for academic credit.. Courses sponsored by the Institute of Government are generally approved.

SECTION 19:  
**Volunteerism**

The County of Wayne is committed to the support of many worthwhile charities and causes that positively impact the life style of Wayne County residents. One venue for providing such support is to establish a Policy of Volunteerism that permits County employees to volunteer an average of at least one hour per month in support of an approved charities and/or cause subject to the following:

1. The charity and/or cause must be approved by the County Manager.
2. If the time volunteered falls during normal work hours, the employee's supervisor/department manager must approve the time away from work.
3. Employees who volunteer an average of one hour or more per month over the course of twelve months, will be granted one day off with pay. For the purposes of this policy, a day is defined as a normal work day for the employee, not to exceed 12 hours. This paid day off must be taken within ninety days of being earned. Leave requests must clearly note "Volunteer Day" in order to be paid.

SECTION 20:

**Bereavement Leave:**

Full time employees will be granted up to 3 days with pay in the event of death of an immediate family member. Bereavement leave is established to provide the employee with basic time for funeral arrangements, attendance, and handling business matters concerning a death. Written verification (obituary, death certificate, funeral program, newspaper obituary, or other written verification) is required prior to crediting bereavement leave.

For the purposes of this section, "immediate family" shall be defined as wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchildren and grandparents, as well as the

various combination of half, step, in-law, and adopted relationships that can be derived from those named herewith.

## **ARTICLE VII. SEPARATION**

### **SECTION 1**

#### **Types of Separation**

All separations of employees from positions in the service of the County shall be designated as one of the following types: resignation, reduction in force, disability, retirement, dismissal, death, or other. Disciplinary action, suspension and dismissal will be addressed in Article VIII. Upon separation from a County position, the employee shall return IMMEDIATELY to his/her supervisor or department head his/her employee identification card, all County property and all keys issued to the employee during their services. The employee's final paycheck will be held until such items are received.

### **SECTION 2**

#### **Resignation**

A minimum of two (2) weeks' notice is expected of all resigning personnel. Any employee failing to give at least the required notice is not eligible to receive pay in lieu of vacation unless extreme extenuating circumstances can be mutually agreed upon by the department head and the County Manager.

### **SECTION 3**

#### **Disability**

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

### **SECTION 4**

#### **Death**

The date of death shall be recorded as the separation date for computing compensation due to the employee (or his estate).

## **ARTICLE VIII. DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL**

### **SECTION 1**

#### **General**

It is the intent of Wayne County in establishing this policy to provide for County employees and County government management a fair, clear and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling instances of unacceptable personal conduct.

The County recognizes, that, consistent with sound employee relations practices, it is most important that disciplinary action, suspension and dismissal be administered in as near a uniform manner as possible. To assist all levels of supervision in promoting efficiency and equitable treatment for all employees the following is established:

Any employee regardless of occupation, position or profession may be warned, demoted, suspended or dismissed by the appointing authority. The degree and type of action taken shall be based upon the sound and considered judgment of appointing authority in accordance with the provisions of this policy.

The basis for any disciplinary action taken in accordance with this policy falls into one of the two following categories:

- a. Discipline imposed on the basis of job performance.
- b. Discipline imposed on the basis of personal conduct.

**The job performance category is intended to be used in addressing performance-related inadequacies that range from minor to serious. For minor inadequacies, the progressive disciplinary steps in Sections 2 through 6, inclusive shall be followed. However, when the performance-related inadequacies are of such a serious nature as determined by the County Manager that they create a major operational issue, significant financial impacts, damage to the reputation of the County, or are so egregious that they warrant immediate, more severe disciplinary action, the County Manager may authorize the department head to impose a more serious disciplinary penalty without going through all the progressive disciplinary steps set out in Section 2 through 5, inclusive.**

### **SECTION 2**

#### **Job Performance Discipline and Dismissal**

This category covers all types of performance-related inadequacies. This policy does not require that progressive warnings all concern the same type of unsatisfactory performance; this policy only requires that the progressive warnings all relate to job performance. Warnings administered under this policy are intended to bring about an improvement in job performance; should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance at the step in the discipline procedures last used with respect to the employee.

Employees who are dismissed for unsatisfactory job performance shall receive at least three warnings: First, one or more oral warnings; second, a written warning to the employee documenting all relevant points covered in the disciplinary discussion; third, a final written warning which notifies the employee that failure to make the required performance improvements may result in dismissal.

### SECTION 3 **Oral Warning**

The department head is responsible for assuring the satisfactory performance of work assigned to his/her unit. When, in the judgment of the supervisor, unsatisfactory performance occurs, then use of the disciplinary process may be appropriate.

In a private discussion with the employee, the department head (or supervisor) shall do the following:

- a. Inform the employee that this is a warning and not some other non-disciplinary process such as counseling.
- b. Inform the employee of the specific performance deficiencies that are the basis for the warning.
- c. Tell the employee what specific improvement must be made to correct the unsatisfactory performance.
- d. Let the employee know what time is being allowed to make the required improvements.
- e. Tell the employee of the consequences of failing to make the required improvements.

An employee is allowed to respond to the specific reason for the warning. Supervisors shall record the date and specifics of the warning for possible use and request employee's documented acknowledgement of the Oral Warning..

### SECTION 4 **Written Warning**

In a private meeting with the employee, the department head or supervisor shall do the following:

- a. Conduct a disciplinary conference with the employee; this disciplinary conference should follow the same steps as set forth for an oral warning.
- b. Tell the employee he/she will receive a written warning covering all significant points of this conference.
- c. Prepare and give to the employee a written warning covering significant points of the disciplinary conference; care should be taken to include the specific reasons for the warning. The employee shall sign acknowledging that he/she has received such warning. A copy of the warning shall be placed in the employee's personnel file. Reference may be made in this warning to document an earlier oral warning.

### SECTION 5 **Final Written Warning**

- a. Prepare a final written warning to the employee; care should be taken to include the specific reasons for the warning.

- b. In private, conduct a disciplinary conference with the employee; at this conference, the specific reason for the action, the necessary improvements and the time allowed to make such improvements should be discussed.
- c. Present the warning to the employee at the end of the conference; the employee should be informed, in the warning, that failure to correct the unsatisfactory performance may result in dismissal. The employee shall sign acknowledging that he/she has received such warning.

## SECTION 6

### **Dismissal**

Before a County employee may be dismissed on the basis of job performance, the following shall occur:

- a. The department head recommending dismissal should discuss the recommendation with, and receive the approval of the County Manager.
- b. A pre-dismissal conference shall be held between the department head and the employee. The department head shall present the employee with the specific reason for the proposed dismissal and a brief summary of the information which he believes supports the proposed dismissal. The employee shall have a right to respond to that notice of proposed dismissal in the conference. If, at the end of the pre-dismissal conference, the department head determines that dismissal is justified, he/she may present the employee with a letter of dismissal. However, the department head may elect to defer the dismissal based on information presented by the employee, and reconsider the proposed dismissal. If following such reconsideration, the decision is to dismiss, then no further pre-dismissal conference is required.
- c. The employee must be given written notice of the dismissal. This written notice must include specific reasons for the dismissal and the employee's right of appeal.

## SECTION 7

### **Personal Conduct**

Employees may be dismissed, demoted, suspended, warned or otherwise disciplined on the basis of unacceptable personal conduct, up to and including dismissal without prior warning to the employee.

Disciplinary demotions, suspensions or dismissals for personal conduct require written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal.

Prior to dismissal of a regular employee on the basis of personal conduct, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with the provisions of Section 6, paragraph b.

SECTION 8  
**Suspension**

Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The County Manager must approve a request for an employee to be suspended for either investigatory or disciplinary reasons with or without pay.

A conference shall be held between the department head and the employee. The department head shall present the employee with the specific reasons for the suspension and a brief summary of the information which he believes supports the proposed suspension. The employee shall have a right to respond to that notice of suspension in the conference.

Investigatory Suspension - This form of suspension may be with or without pay in accordance with the recommendation of the County Manager. Investigatory suspension is appropriate where management needs to investigate allegations which could affect an employees work status.

Disciplinary suspension - an employee may be suspended with or without pay for disciplinary purposes for causes relating to personal conduct or in conjunction with a final written warning for performance of duties.

An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspensions and the employee's appeal rights.

SECTION 9  
**Immediate Disciplinary Suspension**

In the event that the County Manager is unavailable, and the situation is serious, an employee may be suspended, without notice, by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee, they shall tell the employee to leave County property at once and remain away until further notice. The department head shall notify the County Manager as soon as possible.

The terms and conditions of the suspension will be determined in consultation with the County Manager as soon as practical in accordance with the provisions of this article.

SECTION 10  
**Demotion, General**

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

- a. The department head recommending demotion should discuss the recommendation with, and receive the approval of the County Manager.
- b. A conference shall be held between the department head and the employee. The department head shall present the employee with the specific reason for the proposed demotion and a brief summary of the information which he believes supports the proposed demotion. The employee shall have a right to respond to that notice of the proposed demotion in the conference.



On occasion a demotion may be for reasons other than those attributable to the fault of the employee. In this instance, the employee will be served with notice and reasons for the demotion.

#### SECTION 11

##### **Demotion for Job Performance**

An employee may be demoted in lieu of dismissal for unsatisfactory job performance provided the employee shows promise of becoming a satisfactory employee in another position. The employee will receive at least two prior warnings on his/her performance. At least one of the warnings prior to demotion must be in writing.

#### SECTION 12

##### **Demotion for Personal Conduct**

An employee may be demoted for unacceptable conduct without any prior warnings. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.

#### SECTION 13

##### **Notice of Demotion**

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of his/her appeal rights. Please refer to Article III, Section 6 paragraphs b and c for pay information.

#### SECTION 14

##### **Special Provisions - Credentials**

There are some County jobs for which the law requires an employee to be licensed, certified, or registered. Without the license (including driver's license), certification or registration, the employee is unable to perform the assigned work. These requirements shall be included in the statement of essential qualifications-or recruitment standards.

Employees in such classifications are responsible for maintaining current, valid credentials as required by law. Failure to maintain the required credentials is a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

#### SECTION 15

##### **Appeal Rights**

A County employee who has been demoted, suspended, or dismissed shall have ten (10) working days from the date of his/her receipt of written notice of such action to file an appeal with the Personnel Section to request a review by the Personnel Advisory Committee. Such review shall be conducted as described in Article IX, section 5 and 6.

A direct appeal to the County Personnel Advisory Committee alleging discrimination as permitted in Article IX section 4 must be filed with the personnel section within ten (10) working days of the alleged discriminatory act. Grievances filed with the personnel section on an untimely basis shall not be processed.

Each time a case is to be heard, the County Manager will appoint three persons disinterested in the subject matter of the appeal to serve as a personnel advisory committee. Members of this committee shall be selected by the County Manager.

#### SECTION 16

##### **Appeal to the County Manager**

The County Manager shall review the ruling of the Personnel Advisory Committee and either accept or reject the decision. In the event that the committee decision is not satisfactory to the employee, he/she may appeal to the County Manager for a final hearing of the matter. This appeal must be made within ten (10) working days from the date that the County Manager's acceptance or rejection of the committee's recommendation is mailed by the County to the appellant. The appeal to the County Manager shall be in accordance with the requirements of the Article IX, Section 5.

#### SECTION 17

##### **Damage to County Property**

When a department head has determined that an employee has willfully or negligently damaged or destroyed county property, the department head shall inform the county employee of such finding. The department head shall request that the employee pay for the damage within a reasonable time. The failure of the employee to pay for the damage or destruction of said property shall be grounds for termination by the county. The department head shall notify the employee in writing of the decision and furnish a copy to the county manager. In the event that the employee disagrees with the decision of the department head, the decision can be appealed to the county manager within five working days of the original notification. The county manager shall notify the department head and the employee in writing of the final determination in writing.

## **ARTICLE IX. GRIEVANCE PROCEDURES**

### SECTION 1.

#### **Purpose**

Wayne County adopts this policy to provide a means of communication between supervisors and employees and to establish principles of administration to insure prompt, orderly, and fair responses to an employee's problem or grievance.

### SECTION 2

#### **Policy**

In order to maintain a harmonious and cooperative relationship between the County and its employees, it is the policy of Wayne County to provide for the settlement of problems and differences through an orderly grievance procedure. Every county employee having completed the probationary period shall have the right to present his/her problem or grievance in accordance with the procedure prescribed free from interference, coercion, restraint, discrimination or reprisal.

It is the responsibility of supervisors at all levels, consistent with the authority delegated to them, to consider and take appropriate action promptly and fairly on a problem or grievance of any employee or employees.

Each department head shall take necessary steps to ensure that all employees and supervisors under his/her jurisdiction may be fully informed of the grievance procedures adopted and of their rights and obligations under this policy.

### SECTION 3

#### **Procedure - Non Discrimination**

##### **STEP 1 - Discussions between employee and immediate supervisor**

If an employee, has a problem or grievance, it should first be discussed with/his/her immediate supervisor. The supervisor may call higher level supervisors into the discussion or consult them for advice and counsel before giving answers. When an employee feels intimidated or threatened by their supervisor or has not received a response in a timely manner, the employee should go directly to the next higher level or department head.

The employee shall receive an answer within five working days or be advised as to the conditions which prevent an answer within five working days. The employee should also be advised as to when an answer may be expected.

##### **STEP 2 - Discussion between employee and department head**

If the decision is not satisfactory to the employee in Step 1, or if the employee fails to receive an answer within five working days, he/she may request the department head to consider the matter. The request must be presented in writing within five working days of receipt of the decision in Step 1. The supervisor and employee shall provide all pertinent information to the department head who shall review the facts and hold whatever discussions deemed necessary. The department head shall provide a recommendation to the supervisors within five working days after all necessary discussions are held; and at the same time shall advise the employee of recommended course of action.

### STEP 3 - Appeal to the Personnel Advisory Committee

If the employee is not satisfied with the decision of the department head, or if he/she is unable within the specified amount of time to obtain a final decision by the department head, he/she may appeal within 10 (10) days of receipt of the decision to the Personnel Advisory Committee. The request should be filed through the Human Resources Office.

#### SECTION 4

##### **Procedure - Discrimination**

Any applicant for County employment or County employee or former County employee who has reason to believe that employment, promotion, training, or transfer was denied him/her or that demotion, lay-off or termination of employment was forced upon him/her because of his/her age, sex, race, color, national origin, religion, creed, political affiliation, or non-disqualifying handicap except where specific age, sex or physical requirements constitute a bona fide occupational qualification shall have the right to appeal directly to the Personnel Advisory Committee as provided in Section 3 or proceed to the normal grievance procedures. If appeal is taken directly to the Personnel Advisory Committee it shall be within ten (10) days of the alleged discriminatory action.

#### SECTION 4(A)

##### **Procedure – Employment Law**

Any applicant for County employment or County employee or former County employee who has reason to believe that employment, promotion, training, transfer, or, otherwise, equitable, fair treatment was denied him/her in violation of existing employment law shall have the right to appeal directly to the Personnel Advisory Committee as provided in Section 3 or proceed to the normal grievance procedures. Such employment law may include, but is not limited to:

1. The Fair Labor Standards Act
2. The Age Discrimination in Employment Act
3. The Family Medical Leave Act
4. The American with Disabilities Act

If appeal is taken directly to the Personnel Advisory Committee it shall be within ten (10) days of the alleged violation.

#### SECTION 5

##### **Request for hearing by or appeal to the Personnel Advisory Committee**

In order to obtain a hearing before the Committee, the applicant or employee must request that his/her case be heard. This may be done by writing a letter to the Human Resources Office, Wayne County, P. O. Box 227, Goldsboro, North Carolina 27533. The request for a hearing must include the following:

1. The name, address, and telephone number of the person on whose behalf the request is being made.
2. The position held or applied for by the employee or applicant.
3. The name of the department against which the complaint is being brought.

4. The nature of the complaint (e.g. racial discrimination in promotion, dismissal without justifiable cause, etc.).
5. A concise statement of the facts necessary to an understanding of the situation upon which the complaint is based.
6. A statement of the relief desired.

#### SECTION 6

##### **Decision by the Personnel Advisory Committee**

The Personnel Advisory Committee will review all the pertinent facts relevant to the situation before them. Upon rendering a decision, they will inform the County Manager.

#### SECTION 7

##### **Appeal to the County Manager**

The County Manager shall review the ruling of the Personnel Advisory Committee and either accept or reject the decision. In the event that the committee decision is not satisfactory to the employee, he/she may appeal to the County Manager for a final hearing of the matter.

### **ARTICLE X. WORKPLACE HARASSMENT**

#### SECTION 1

##### **Policy**

Harassment of an applicant, client, contractor, business invitee, customer or employee (a "worker") by a supervisor, management employee, or coworker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age is explicitly in violation of state and/or federal law and will not be tolerated by Wayne County.

Employees found to be participating in any form of job based harassment or retaliating against any worker shall be subject to disciplinary action up to and including termination from employment.

#### SECTION 2

##### **Responsibilities**

- A. **Management:** It is the responsibility of management to develop this policy, keep it up to date and to ensure that any violation of this policy brought to their attention is dealt with fairly, quickly and impartially. All managers are also required to set the proper example at all times.
- B. **Supervision:** It is the responsibility of supervisors to enforce the policy, to make an annual review with each employee to ensure they know the policy and to regularly check the workplace and environs to ensure the policy is being followed. When a deviation from this policy is noted or reported, supervisors shall bring this information to management immediately. Additionally, supervisors are required to set the proper example at all times.
- C. **Workers:** It is the responsibility of each and every employee to know and follow the policy. It is imperative that every employee treats every worker with dignity and respect so as to facilitate a sound professional work environment.

### SECTION 3 **Definitions**

For purpose of clarification, harassment includes, but is not limited to, the following behaviors.

- A. **Verbal Harassment** - Epithets, derogatory comments, slurs, propositioning or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually oriented comments on appearance, including dress or physical features, innuendos, sexual rumors, code words and race oriented stories.
- B. **Physical Harassment** - Assault, impeding or blocking movement, leering or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas or making explicit or implied threats or promises in return for submission of physical acts.
- C. **Visual Forms of Harassment** - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This applies to both posted material or material maintained in or on Wayne County property or personal property in the workplace.
- D. **Sexual Harassment** - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

### SECTION 4 **WORKPLACE RELATIONSHIPS**

The First Amendment allows anyone to associate with anyone else they desire. It is natural for people who meet in the workplace to sometimes become romantically involved and it is not the department's intent to interfere with any dating/marital relationship. Any involvement between employees must be voluntary and desired by both parties. It is not inappropriate for a person to ask a coworker out. However, if the employee does not want to go out with a coworker, it is imperative that his/her response to the request is firm and definite. After this firm, definite response has been made; it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. . Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines.

- 1. There shall be no dating/marital activities on department time or department property.
- 2. There shall be no use of department property to arrange dating activities.
- 3. All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on department property or on department time. Hand holding, kissing, hugging, sexual comments and other behavior generally associated with a dating/marital relationship are inappropriate while on department time or department property.

4. Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to his/her supervisor immediately. Failure to report this relationship is a violation of this policy. The manager receiving this information shall immediately contact the Wayne County Human Resources Director or the Wayne County Manager and inform him of the relationship. The Human Resources Department shall make recommendations to ensure that this relationship will not detract from a sound professional work environment. Such recommendations may include the transfer of the higher-ranking person to another unit.

## SECTION 5

### COMPLAINT PROCEDURE

- A. Confrontation - If any person feels they are the victim of any form of harassment, he/she should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate either an informal or formal complaint as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.
- B. Informal Complaint - Any employee or applicant who believes he or she is a victim of discriminatory workplace harassment shall make a complaint orally or in writing with any of the following.
  1. His/her immediate supervisor
  2. Any supervisor or manager within or outside of his/her department
  3. Any department head
  4. The Human Resources Director or his/her designee

Any supervisor, manager or division head that observes inappropriate behavior or receives a harassment complaint shall notify the Human Resources Director or the County Manager **within one business day**.

- C. Formal Complaints
  1. Filing a Preliminary Complaint - Any employee or applicant who alleges to be a victim of discriminatory workplace harassment should, within 30 calendar days of the alleged incident:
    - a. Contact his/her supervisor; or
    - b. Contact the Department Manager; or
    - c. Contact the County Manager or his/her designee at the Human Resources Department

2. Time Extension - The party in charge of investigating the complaint may extend the time requirements set forth in this procedure when he/she determines it is in the best interest of fairness and justice to the parties involved.
3. Review of Preliminary Complaint - Upon notification of a harassment complaint, the supervisor or designee shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the supervisor may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.
4. Formal Complaint - If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, the investigating supervisor will promptly issue written notice of the right to file a formal written complaint to the complainant via hand delivery or certified mail, return receipt. The complaint shall be signed by the complainant and shall describe in detail the facts asserted to constitute harassment. The complaint shall be filed with the County Manager within ten (10) calendar days after being notified of the right to file a formal complaint.

Upon receipt of the formal written complaint, the County Manager or his designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of same and will be provided an opportunity to respond. The response shall be in writing, addressed to the County Manager or his designee and received by the County Manager within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced.

5. Review of Response and Findings - Upon receipt of the response, the County Manager or his designee shall further investigate the formal complaint. Such investigation may include an interview with the complainant, the alleged harasser(s) and any other persons determined by the investigator possibly to have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), the supervisor and the County Manager.

6. Disciplinary Action - If harassment is determined to have occurred, the appropriate management person shall take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. Copies of the final report, including disciplinary action taken, will be distributed to both parties.
7. Retaliation - Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up



to and including termination from employment. The County Manager will take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint.

8. Confidentiality - Confidentiality will be maintained to the fullest extent possible in accordance with this policy and applicable federal, state and local law.
9. False Complaints - Any complaint made by an employee of Wayne County regarding job-based harassment, which is conclusively proven to be false, shall result in discipline. This section is not intended to discourage employees from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.
10. The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. All other complaints shall be handled pursuant to Article IX of the policy.

## **ARTICLE XI. EMPLOYEE BENEFITS**

### **SECTION 1**

#### **Insurance Benefits**

Subject to budget appropriations, the County will provide medical insurance to all full-time employees at no cost to the employee.

In further efforts to promote healthy lifestyle choices, participants in the County healthcare plan who use tobacco products will be covered under the plan providing a health savings account. This plan requires employees to make more conscious choices in the use of their plan benefits. For additional details contact the Human Resources Department.

These employees are eligible to obtain employee/spouse, employee/child, employee/children, or family medical insurance coverage by paying the additional monthly cost. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first of the month after 30 days of employment.

Employees eligible for medical insurance may receive compensation to opt out of the County's program with proof of other medical coverage. Employees who wish to opt out of the County's program may do so during the annual open enrollment by contacting the Human Resources Office.

### **SECTION 2**

#### **Unemployment Insurance**

Local governments are covered by unemployment insurance. Wayne County employees who are laid off or released from the County's service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment insurance will be determined by the ESC.

### SECTION 3

#### **Retirement Benefits**

Each permanent, full-time employee, as a condition of employment, must join the Local Governments Employee's Retirement System. Employees must contribute, through payroll deduction, the predetermined percentage of gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

### SECTION 4

#### **Law Enforcement Officers Retirement Benefits**

Law Enforcement Officer's Benefits are covered in a booklet provided by the Department of the State Treasurer of North Carolina.

### SECTION 5

#### **Insurance After Retirement**

No post retirement insurance benefits will be provided for employees hired on or after July 1, 2009. Any full-time County employee, hired prior to July 1, 2009, who retires from service (regular or disability) under the provisions of the North Carolina Local Government Employee's Retirement System or the North Carolina Law Enforcement Officer's Benefit and Retirement Fund with fifteen (15) years of service with Wayne County can remain on the County group and must pay the entire premium. When an employee, hired prior to July 1, 2009, with 25 years of continuous service with Wayne County at any age the County of Wayne will pay the employee's premium in the group plan until age 65 at which time the retiree shall be switched to a Medicare supplement policy. The county will pay up to an individual rate amount per month toward the Medicare supplement. Retiree must pay the balance due.

### SECTION 6

#### **Tuition Reimbursement**

- I. Policy
  - a. The County of Wayne provides opportunities for employees to improve skills and job performance or to prepare themselves for promotion opportunities within the County service by means of a tuition assistance program.
- II. Organization Affected
  - a. All departments.
- III. Definitions
  - a. Approved Course: An approved course is one which will either improve the employee's ability to perform his/her present job or will help prepare him/her for a job with the County which will demand a higher level of responsibility and/or skill.
  - b. Approved Institution: Any accredited college, university, technical institute or correspondence school, or any other institution approved by the County.
  - c. Eligible Expenses: At community colleges, tuition, registration fees, laboratory fees, required textbook(s) and student fees are eligible reimbursement expenses. Special equipment, supplemental reading books, tools, and miscellaneous supplies such as

pencils and paper are not reimbursable expenditures. All reimbursement is subject to availability of funds.

- d. Successful Course Completion: Successful course completion will normally be construed to be a grade of "C" or better when grade letters are given. Otherwise, as in the case of Pass/Fail courses, or in the course when no grade is given, a written statement of successful completion from the instructor will be equally acceptable to demonstrate successful completion of a course.

#### IV. Procedure/Rule

- a. All full-time employees who have completed one year of service and who are not receiving educational financial assistance from another source will be eligible to apply for financial assistance under this program. In cases where an employee is receiving funds from another source, which do not cover all the expenses, the County's program may be used to help defray costs over the amount of the funds received for approved courses.
- b. In order to apply for the tuition assistance program, the following steps are to be taken by the employee:
  - i. The employee obtains and completes in duplicate a Tuition Assistance Program Application form as soon as he/she decides to take a course.
  - ii. All copies of the completed application are to be submitted to the employee's department head via the supervisor, if applicable.. After the course and institution are approved by the department head, two copies of the application are submitted to the Human Resources Director.
  - iii. If the supervisor or department head does not approve an application, he/she will discuss with the employee the reasons for not approving the application.
  - iv. After the Human Resources Director reviews the application, a copy will be returned to the employee. A Refund Request Form will be attached for the employee to use to keep a formal record of expenditures.
- c. After successful completion of the course, the employee may apply for reimbursement of eligible expenses using the following steps:
  - i. Complete a Tuition Assistance Program Refund Request form, listing all eligible expenditures. Attach all receipts and verification of passing grade and submit to the department head.
  - ii. After review of the department head, the employee submits the TAP Refund Request form with attachments to the Human Resources Director within thirty (30) calendar days after completing the course or five days prior to the end of the fiscal year, whichever comes first.
  - iii. After verification of reported expenses, the Human Resources Director will send the TAP Refund Request form with attachments to the finance department for reimbursement of expenses for which the employee is eligible.

- iv. After reimbursement is received, employee is expected to remain employed with the County of Wayne for three (3) years. If employee leaves prior to three years employment, employee will be required to repay all or part of reimbursement depending upon amount of service time completed. Amount to be repaid will be calculated on a prorated basis and deducted from the employee's final compensation to the extent possible..

## SECTION 7

### **Benefits/Other-Fixed**

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

Workers' Compensation- Provides coverage to all full and part-time employees to cover medical expenses and lost time from work due to work related injuries.

Wayne County will offer life insurance to full time employees equal to the employee's annual salary, rounded to nearest thousand. Enrollment is required.

## SECTION 8

### **Benefits/Other-Flexible**

Additional deductions/benefits have been approved by the Board of Commissioners. At the option of the employee, the following option may be payroll deducted under the provisions of the insurance contract:

- a) Health Insurance- for family, parent/child, parent/children and spouse.
- b) Accident, vision, dental and Cancer Policy- through approved current provider.
- c) Deferred Compensation- tax deferred retirement savings (457 and 401K)
- d) Term Life Insurance – through approved current provider.
- e) Employees who choose to participate in the County-sponsored 401k may receive matching contributions by the County of up to 2% (1% employee participation is matched by 1% County participation, 2% employee participation is matched by 2% County participation.)

A current provider list may be obtained from the Human Resources Office.

## SECTION 9

### **Longevity Pay**

**County of Wayne employees hired prior to July 1, 2011, with a employment tenure of five years or more, are eligible for Longevity Pay as determined and approved by the County Board of Commissioners with the annual budget. This benefit will not be offered to employees hired on or after July 1, 2011.**

The Longevity Pay will be paid with the November payroll. Qualifying employees who leave the employment of the County of Wayne prior to that November pay out will receive their Longevity Pay in their last paycheck providing they leave in good standing with appropriate notice as a result of resignation, reduction in force, disability or retirement.

The Longevity Pay is based on the following table:

<u>Length of Service (in years)</u>		<u>Percent</u>
From:	To:	
05	09	1.0%
10	14	1.5%
15	19	2.0%
20	24	2.5%
25	999	3.0%

## **ARTICLE XII. PERSONNEL RECORDS AND REPORTS**

### SECTION 1

#### **Personnel Records Maintenance**

The following information on each County employee shall be maintained and is considered public information:

- a) Name;
- b) age;
- c) date of original employment or appointment to County service;
- d) current position title;
- e) current salary;
- f) date and amount of most recent change in salary;
- g) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- h) office to which the employee is currently assigned.

### SECTION 2

#### **Access to Personnel Records**

As required by NCGS Sec. 153A-98, any person may have access to the information listed in Section I of this article for the purpose of inspection, examination, and copying during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Access to such information shall be governed by the following provisions:

- a) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee, information disclosed, date information was requested, name and address of the person to whom the disclosure is made. This information must be retained for a period of two years.

- b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- c) An individual examining a personnel record may copy the information set out in Section 1.

### SECTION 3

#### **Confidential Information**

The County does not furnish employee name and address lists.

All information contained in a County employees personnel file other than the information listed in Section 1 of this article will be maintained as confidential in accordance with the requirement of NCGS Sec. 153A-98 and shall be open to public inspection only in the following instances:

- a) The employee or his/her duly authorized agent may examine all portions of his/her personnel file, EXCEPT
  - 1) letters of reference solicited prior to employment
  - 2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- b) A licensed physician designated in writing by the employee may examine the employee's medical records.
- c) A county employee having supervisory authority over the employee may examine all materials in the employees personnel file.
- d) By order of a court of competent jurisdiction, any person may examine all material in the employees personnel file.
- e) An official of any agency of the State or Federal government, or any political subdivision of the State may inspect any portion of a personnel file when such information is deemed 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 as provided for in NCGS 153A-98.
- f) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- g) A record shall be made of each disclosure and place in the employee's file (except disclosures to the employee and the supervisor).

### SECTION 4

#### **Records of Former Employees**

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

## SECTION 5

### **Remedies of Employees Objecting to Material in File**

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

## SECTION 6

### **Penalty for Permitting Access to Confidential File by Unauthorized Person**

General Statute 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00).

## SECTION 7

### **Penalty for Examining and/or Copying Confidential Material without Authorization**

General Statute 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file, shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the Court in an amount not to exceed five hundred dollars (\$500.00).

## **ARTICLE XIII. DRUG AND ALCOHOL FREE WORKPLACE POLICY**

### **SECTION 1**

#### **Purpose and Scope Policy**

- A. The purpose of this Policy is to maintain a drug-free 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 misuse of alcohol.
- B. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the 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 Article. The 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.
- C. Employees with substance-abuse problems are encouraged to voluntarily seek help. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser by means of drug or alcohol testing, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. However, notwithstanding any other provision of this policy to the contrary, employees who fail drug or alcohol tests may be disciplined, up to and including termination, in accordance with the provisions of this policy. If an employee is terminated, no benefits except those provided for by federal, State or local act will be provided for beyond the last day of employment.
- D. The Drug Free Workplace Act of 1988 requires all county employees to notify the county within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.
- E. Employees will be given a copy of this policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including termination.

### **SECTION 2**

#### **Prohibited Behavior**

##### **A. Alcohol**

- 1. 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.
- 2. No employee shall use alcohol within four hours before going on duty or before operating or having physical control of a County owned vehicle, a commercial motor vehicle or transit service vehicle, or before performing a safety sensitive function.



3. No employee shall report for duty or remain on duty in a safety-sensitive function 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.
4. 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.
5. An employee who refuses to submit to, or fails to follow through with, an alcohol test when testing is required by this Article will be terminated.
6. An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 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. 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. An employee may be removed from duty for a longer period as provided in this policy.

#### B. Drugs

1. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination without warning.
2. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident.
3. An employee who refuses to submit to, or fails to follow through with, a drug test when testing is required by this Article will be terminated.

### SECTION 3

#### **Supervisory Responsibilities**

Every supervisor shall:

- A. Consistently apply this Article to all employees under his or her supervision. A supervisor who fails to apply this Article when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.

- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- C. Insure that all employees he or she supervises receive training on the requirements and consequences of this Article.
- D. Follow the procedure established by the department head 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 substance abuse 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.

#### SECTION 4

##### **Employee Responsibilities**

Every employee and, to the extent applicable, covered applicants shall:

- A. Abide by this policy as a condition of 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 or her ability to perform his or 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 or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or 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 employee shall be considered absent without leave if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.
- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.
- E. Notify his or her department head within five days if convicted of a violation of a criminal drug statute such as the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or for any other controlled substance when such violation occurred while the employee was on duty, as required by the Drug-Free Workplace Act of 1988. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

SECTION 5  
**Drug and Alcohol Tests**

Covered Employees and Covered Applicants shall be subject to the following tests: (A) Pre-placement; (B) Post Accident; (C) Reasonable Suspicion; (D) Random Testing; (E) Return to Duty; and (F) Follow Up. For purposes of this Article, Covered Employees shall be defined as those employees who must hold a commercial driver's license as a job requirement or who perform other safety-sensitive functions as defined by the U.S. Department of Transportation (DOT) regulations. Covered Applicants shall be defined as those applicants for positions required to hold a commercial driver's license or perform safety sensitive functions to whom an offer of employment has been made contingent upon their passing a drug test.

All employees are subject to the following tests: Post Accident; Reasonable Suspicion; Return to Duty; and Follow Up.

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

- A. **Pre-placement.** Before a temporary, part-time, or full-time employee initially operates a County owned vehicle or performs safety-sensitive function for Wayne County, he or she must undergo testing for drug and alcohol misuse. Covered Applicants for employment or current employees transferring from non safety-sensitive positions into a position that requires testing must pass a pre-placement drug and alcohol test.

A covered applicant will have four hours to provide an acceptable urine specimen. An applicant who cannot produce a specimen within three hours will need to provide documentation from an urologist indicating the medical condition which prevented the ability to produce a specimen. (example shy bladder) An applicant who refuses to submit to, or fails to follow through with, the drug or alcohol test as required, or does not pass the drug or alcohol test will not be considered for 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.

- B. **Post Accident.** Post-accident testing must be conducted on any driver and any other safety-sensitive employee (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test safety-sensitive 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. Testing will be administered immediately following the accident or as soon as medically and legally possible.

1. A post-accident drug test shall be administered within thirty-two hours following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug test required by the policy.
2. A post-accident alcohol test shall be administered no later than (8) eight hours following the accident. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame. No employee shall be allowed to remain on duty until a post-accident alcohol test is administered and the employee's alcohol concentration measures less than 0.02. No employee may refuse to submit to an alcohol test as required by the regulations.

C. **Reasonable Suspicion.** Testing will be conducted on any employee, if while on County property, while operating a County vehicle, or while engaging in County business, he/she demonstrates work performance or behavior which creates a reasonable suspicion that he/she is unfit for duty and has possibly misused alcohol or drugs as defined in this Article. Reasonable-suspicion testing is authorized only if the required observations are made by a supervisor or official of the locality where the employee is on duty.

1. When there is reasonable suspicion 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 will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the covered employee shall receive appropriate discipline as outlined in this policy, up to and including termination.
2. A reasonable-suspicion alcohol test shall be administered no later than (8) eight hours following the determination of reasonable suspicion. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the determination of reasonable suspicion, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. 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. No employee may refuse to submit to an alcohol test as required by the regulations.
3. 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.

- D. **Random Testing.** Covered Employees will be tested on an unannounced basis for alcohol and drugs throughout the year. Random numbers generated and matched with the employee's identification number will determine who is tested. Random testing will be done on a percentage basis in a fair and equal manner.
1. For drug testing, a Covered Employee may be tested at any time the Covered Employee is at work for the County.
  2. Selection of Covered Employees for random testing will be made by a computer-based random number generator that is matched with drivers' Social Security numbers.
  3. Each time a random selection is made, every Covered Employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. Covered employees, when notified that they have been selected for random testing, will proceed immediately to the collection site.
  4. When a Covered Employee is selected for random testing, both the Covered Employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the Covered Employee that he/she is under no suspicion of taking drugs and that the Covered Employee's name was selected randomly pursuant to this policy.
  5. A breath alcohol test, with a finding of 0.02-0.039, will result in a five-day suspension without pay for tested individual and he/she will be required to submit to another breath alcohol test and receive a test result below 0.02 prior to being returned to the safety-sensitive position.
  6. A breath alcohol test result of 0.04 or greater and/or a positive drug test may result in termination as outlined in this policy.
  7. Any employee who refuses to provide a urine or other appropriate testing specimen will be subject to termination as outlined in this policy.
- E. **Return to Duty.** An employee who has a positive breath alcohol test must submit to a return-to-duty breath alcohol test before returning to duty following a disciplinary suspension. An alcohol concentration of less than 0.02 is required before an employee may be authorized to return to duty.
1. A return-to-duty breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay.
  2. A return-to-duty breath alcohol test result of 0.04 or greater and/or a positive drug test will be considered as the second positive alcohol within a five-year period and will result in termination.
- F. **Follow-up.** Once allowed to return to duty, an employee who has had a positive breath alcohol test must submit to a minimum of six follow-up tests within the first twelve months following return to duty. Follow-up testing may be extended for up to sixty months following return to duty.

1. Follow-up testing is separate from and in addition to the regular random testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their names come up for random testing, even if this means being tested twice in the same week or month.
2. Employees returning to the workforce following completion of a voluntary 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. Employees 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.

## SECTION 6

### **Refusal to Submit to a Test**

Behavior that constitutes refusal to submit to a test includes:

1. Refusal to take a test;
2. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
3. Tampering with or attempting to adulterate the specimen or collection procedure;
4. Not reporting to the collection site in the time allotted;
5. Leaving the scene of an accident without a valid reason before the tests have been conducted.

Refusal to submit to a test will be handled the same as a "Verified Positive Test."

## SECTION 7

### **Testing Procedures**

#### A. Alcohol Testing

1. Alcohol tests will be conducted at a facility designated by the county. This facility meets security requirements as specified by Department of Health and Human Services (DHHS) guidelines.
2. Using the Evidential Breath Testing Device, the certified Breath Alcohol Technician (BAT) will open an individually sealed mouthpiece and attach it to the EBT, The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained. The EBT will record the result and display it on the device and print the result immediately, The result will be recorded on the Breath Testing Form and attached to the form with tamper proof tape.
3. When the result is less than 0.02, no further testing, is authorized and the result will be transmitted to the County in a confidential manner and will be stored to insure confidentiality is maintained.

4. When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.
5. Following the completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee. Failure of the employee to sign certification will be treated as if results are 0.04 or greater.
6. Refusal to test will be treated the same as if the result is 0.04 or greater.
7. The County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as permitted by law or as expressly authorized.
8. 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, the department 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 of breath, an evaluation from a licensed physician acceptable to the County addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the County for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this policy.

#### B. Drug Testing- Specimen Collection:

1. In accordance with the DHHS Guidelines and to ensure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.
2. Drug tests will be conducted at a facility designated by the county. This facility meets security requirements as specified by DHHS Guidelines. The collection site is a secure location and allows for maximum privacy, which includes a toilet for completion of urination, a source of water for washing hands and, where practicable, excluded from the area provided for urination.
3. No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No person other than the collection site person may handle specimens prior to their being placed securely in the mailing container.

4. When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and secure all personal belongings, but may retain his/her wallet.
5. Employees will be allowed to provide his/her specimen in the privacy of a stall.
6. A split sample method of collection will be used. At least 45 ml of urine must be collected, 30 ml to be used as the primary specimen and 15 ml to be used as the split specimen. Both bottles will be shipped in a single container.
7. If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same gender collection site person. Both samples will be sent to the lab.
8. Refusal to test will be handled the same as a verified positive result.
9. In all cases, the Covered Employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample. Failure of the employee to sign and/or initial certification will be treated as if results are positive.

#### C. Drug Testing - Methodology

1. All specimens collected by the county pursuant to this article shall be tested in a properly certified laboratory.
2. All samples will be first subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively by means of Gas Chromatography/Mass Spectrometry (GC/MS) analysis to eliminate any false positive tests.
3. The laboratory will ensure that the chain-of-custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.
4. All covered applicants and employees will receive written notification of drug test results.



## SECTION 8

### **Reporting of Results**

The laboratory shall report the test results directly to the designated county official as soon as the lab releases the results. The report, shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the County, and the drug testing laboratory identification number.

## SECTION 9

### **Review of Results/MRO**

- A. The medical review officer (MRO) is a licensed physician and possesses a knowledge of drug abuse disorders. The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the tested individual. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.
- B. The MRO will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is 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. After the final decision is made, the MRO will notify the County as prescribed below.
- C. If during the course of an interview with an individual who has tested positive the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Wayne County.
- D. The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. The employee shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to a certified laboratory, as specified by the employee, for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee. A request for testing of the split sample and associated costs are the responsibility of the tested individual.
- E. If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Wayne County Human Resources Director to arrange for the employee to contact the MRO prior to going on duty. If, within five days after a documented contact by the Human Resources Director instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the County.

## SECTION 10

### Compliance with Law

- A. Information regarding the testing and referral of employees and applicants under this Article will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.
- B. Searches and seizures are to be conducted in a legal manner. The County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

## SECTION 11

### Definitions

**Accident** means an occurrence involving a motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Alcohol test** means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breath analyzer test, or blood screening.

**Canceled**, with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

**Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (b) has a gross vehicle weight rating of 26,001 or more pounds; or
- (c) is designed to transport 16 or more passengers, including the driver; or
- (d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test** for alcohol means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

**Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug test and drug screening** means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

- a. amphetamines
- b. cannabinoids
- c. cocaine
- d. opiates
- e. phencyclidine

**Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

**Medical review officer** is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**Negative**, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

**Negative**, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.

**On call** means being subject to a call to report immediately to work for Wayne County.

**On duty** means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Wayne County.

**Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Pass a drug test** means that the result of a drug test is negative. The test either

- (a) showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
- (b) showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

**Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Positive**, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.

**Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the County, if any. All positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

**Pre-placement testing** is testing conducted on a current county employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

**Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

**Random testing** is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

**Reasonable suspicion** exists when a supervisor can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- (a) slurred speech
- (b) the odor of marijuana or alcohol about the person
- (c) inability to walk a straight line
- (d) an accident resulting in damage to property or personal injury
- (e) physical altercation
- (f) verbal altercation
- (g) behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- (h) possession of drugs
- (i) verifiable information obtained from other employees based on their observations
- (j) arrests, citations, and deferred prosecutions associated with drugs or alcohol.

**Refuse to submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, (4) engages in conduct that clearly obstructs the testing process, (5) fails to report to the collection site in the time allotted, (6) Leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing, or fails to properly sign or initial documents to show chain of custody.

**Safety-sensitive** position means a position so defined pursuant to regulations promulgated by the United States Department of Transportation. Employment with Wayne County is defined as Safety-sensitive when the following functions are performed:

- (a) Operates Commercial Drivers License (CDL) vehicles or revenue service vehicles including when not in revenue service
- (b) Operates a county vehicle.
- (c) Dispatch or control CDL vehicles or other county vehicles.
- (d) Maintain CDL vehicles or other county vehicles.
- (e) Activities involved with loading, unloading or inspecting county vehicles.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Unannounced follow-up testing** is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor work sites, County or personal vehicles (while personal vehicle is being used for County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

## SECTION 12

### **Contact**

Any inquiries regarding this policy should be directed to the Wayne County Human Resources Director who is the County Official designated to answer questions about this policy, the County Manager or manager's designee.

## **ARTICLE XIV – Additional Policies**

### **SECTION 1**

#### **Smallpox Vaccination Policy**

##### **A. Purpose**

The intent of this policy is to provide County departments, agencies, and employees with a guideline for providing necessary medical services to a covered individual for infection with smallpox, infection with vaccinia, or any adverse medical reaction due to the vaccination.

##### **B. Applicability**

All employees of Wayne County are subject to this policy.

##### **C. Guidelines**

1. Work-related smallpox vaccination, without regard to voluntariness, is covered by the North Carolina Workers' Compensation Act in the same manner as are other workplace injuries ( See Article VI, Section 12, of the current Wayne County Personnel Policy.)

2. Loss time and compensation will be handled in the same manner as set forth in the existing policy relative to Worker's Compensation

3. Employees who contract vaccinia (the virus in the smallpox vaccine) by living in the same house as a non-employee who has been vaccinated as part of the Health Professional Under Section 304 of the Federal Homeland Security Act of 2002 are not considered to have experienced a work- related illness or injury and are not covered under this policy.

In accordance with Article VI, Section 12, of the current Wayne County Personnel Policy, to qualify, an Employee must immediately report infection with smallpox, infection with vaccinia, or any adverse medical reaction due to the vaccination to their supervisor/manager upon their knowing such circumstances exist. Medical Services for work related injuries or diseases must be obtained from the County's designated and authorized medical provider unless the injury or disease requires immediate attention and a designated provider is not immediately available.

### **SECTION 2**

#### **Workplace Violence**

The County of Wayne is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States, and has taken steps to help prevent incidents of violence from occurring at County workplaces. In this connection, it is the policy of the County to expressly prohibit any acts or threats of violence by any County employee or former employee against any other employee in or about County facilities or elsewhere at any time. The County also will not condone any acts or threats of violence against County employees or visitors on County premises at any time or while they are engaged in business with or on behalf of the County, on or off County premises.

In keeping with the spirit and intent of this policy, and to ensure that the County's objectives in this regard are attained, the County is committed to the following:

1. To provide a safe and healthful work environment, in accordance with the County's safety and health policy.

2. To take prompt remedial actions up to and including immediate termination, against any employee who engages in any threatening behavior, acts of violence or unsolicited touching of another or who uses any obscene, abusive, or threatening language or gestures.
3. To take appropriate action when dealing with citizens, former employees, or visitors to County facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
4. To prohibit employees, former employees, contractors, and visitors from bringing unauthorized firearms or other weapons onto County premises or premises occupied by the County.
5. To establish viable security measures to ensure that County facilities are safe and secure to the maximum extent possible and to properly handle access to facilities by the public, off-duty employees, and former employees.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that County, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action, up to and including discharge.

### Section 3

#### **Technology Appropriate Use Policy**

Purpose: This policy covers the use of all technology resources belonging to Wayne County, whether individually controlled or shared, stand alone or networked. It includes, but is not limited to pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources and Internet resources. All technology resources owned by Wayne County are in place to enable the County to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Ethical and legal standards apply to information technology resources. Because technology systems are constantly evolving, Wayne County requires its employees to stay current with policies.

#### Policy:

Appropriate Use: At all times when an employee is using Wayne County technology resources, he or she is representing the County. Use the same good judgment in all resource use that you would use in written correspondence or in determining appropriate conduct.

Consent to monitoring: When accessing a Wayne County Information System, that is, provided for Wayne County authorized use only, you consent to the following conditions:

1. Wayne County routinely monitors communications occurring on this Information System (Computer network), and any device attached to this Information System, for purposes including, but not limited to, penetration testing, communication security, monitoring, network defense, quality control, employee misconduct, law enforcement, and investigations.
2. At any time, Wayne County may inspect and/or seize data stored on this Information System and any device attached to this Information System.
3. Communications occurring on or data stored on this Information System, or any device attached to this Information system, are not private. They are subject to routine monitoring and search.
4. Any communications occurring on or data stored on this Information System or any device attached to this Information system may be disclosed or used for any WCG-authorized purpose.

5. Security protections may be utilized on this Information System to protect certain interests that are important to the WCG. For example, passwords, encryptions or biometric access controls provide security for the benefit of Wayne County. These protections are not provided for your benefit or privacy, and may be modified or eliminated at Wayne County's discretion.

Information Access and Ownership: All technology resources and all information transmitted by, received from, or stored on Wayne County systems are the property of Wayne County and, as such, are subject to inspection by County officials. The County reserves the right to review and monitor the information on all systems, including voice mail, electronic mail and information stored on computer systems or media and will exercise the right without advance notice. This might include but is not limited to investigating theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the system or monitoring workflow and productivity.

E-mail is considered to be a public record and may be subject to public disclosure in accordance with Public Records Law. When sending or forwarding e-mail, either internally or externally, all employees shall identify themselves clearly and accurately. Anonymous or pseudonymous posting is expressly forbidden.

1. Do not e-mail social security numbers under any circumstance; use last 4 digits only.
2. Do not e-mail documents that contain personal information such as SSN's.

If Wayne County determines that an employee has used technology resources in a manner that violates this policy or other County policies, the County will take appropriate disciplinary action up to and including dismissal.

Personal Use: Employees should be aware that personal use of a County-owned technology resource is still subject to all of the rules in this policy including inspections and monitoring. Personal use of a County owned technology resource by County employees is allowed with the following restrictions.

1. There must be no cost to the County.
2. Use must be conducted on an employee's own time.
3. Use of the County's technology resources for operating a personal business of any kind is prohibited.
4. Some technology resources are billed from the first minute of use. Charges for personal use are to be reimbursed to the County.
5. Individuals who are not employees of Wayne County are not allowed to use the County's technology resources other than public access stations, unless authorized by IT staff.
6. Individual employee voice mail messages shall reflect current information. An alternate message must be in place whenever an employee is unavailable for an entire day or longer, indicating when the caller may expect calls to be returned.
7. When in the office, employees with voice mail shall check for messages at least three times daily (beginning of the work day, near noon, before end of day) and return calls as soon as possible.
8. Email auto-response should be activated for any time the employee is out of the office for an entire day or longer. The auto-response should indicate length of time the employee is unavailable and give an alternate contact if appropriate.



## SECTION 4

### **Computer Security Policy**

**Purpose:** The purpose of this policy is to ensure computer security in order to protect the integrity of the data entrusted to the employees of Wayne County.

**Security:** Each employee is responsible for all actions taken while using his/her user profile, password, or access code. Passwords should be kept confidential and not shared. Any exception has to be approved by the IT Director. Example: A computer shared by more than one employee that needs to share passwords to perform their job.

Any file, program, or document received on media (diskettes, CD-ROM, or tapes) through the Internet (including e-mail) or through file transfer must be virus checked immediately. Employees should be cautious when receiving an e-mail message not expected and containing an attachment. Such attachments should not be opened if in doubt about the type of file attached or its content. This is to prevent viruses from infecting the County's entire network. Each individual employee is responsible for the prevention of the spread of viruses.

Software may not be loaded on any County computer system through any method without prior approval by the Wayne County Information Technology Department. This includes shareware, freeware, personal software or Internet distributed programs. The Internet provides easy access to software distributed by companies on a trial basis. The free access does not indicate that the software is free or that it may be distributed freely. Applicable software copyright laws must be followed.

**Music files:** Music files are not authorized to be stored on county computer systems to prevent violation of copyright infringement laws. If music files are found during routine scans of network systems, they will be removed by the IT department and the user will be notified via e-mail.

**User Identification and Authentication:** User identification and authentication is the ability to identify the user to the system and to confirm the claimed identity of the users. The user identifies him/herself to the system by entering a User/Logon ID, consisting of his/her name. The user's identity is authenticated when the user enters a valid password. As part of the Wayne County Red Flag and Health Insurance Portability Accountability Act (HIPAA) policy, employee must adhere to the following:

1. Each user only has one network User ID and the ID should be unique within the environment. .
2. Passwords will not be written down, communicated to others, or shared among employees since this eliminates accountability for user activity on the system.
3. User passwords are known only to the user and the system. The user's supervisor or the Wayne County System Administrator do not need to know a user's password. System Administrators will not ask for a user's password; however the Systems Administrator has the authority to change a user's password at the request of the individual. Department managers may request a password change through track-it work order or e-mail when necessary.
4. All passwords will contain at least six characters. The system shall require passwords to be changed at least every ninety days. Longer passwords are harder for someone to guess.
5. Users will be required by the system to choose unique passwords. Users will not be able to use expired passwords as their new password when the system forces a password change.
6. Users will be sent a message 14 days before password expiration. Access is revoked upon expiration date if the password is not changed. A system limit of four attempts of unsuccessful login attempts will be set.
7. Users will be sent a message 14 days before their password expires. Access is revoked upon expiration date if the password is not changed. If the user gets locked out after trying to get back

in, they must call IT department to have their password reset. Users must change their password at the next login.

8. Users must either lock their computer or logoff when they leave their workstation.
9. Employees may not copy personal information from clients/employees onto thumb drives.
10. Non-county employees may not access the Wayne County network without receiving authorization from the Wayne County Information Technology Department.
11. Employees should not upload documents to any website containing personal information such as Social Security Numbers.
12. Department head or designated individual must notify the IT Department immediately if an employee is terminated. Access to computer systems will be suspended and deleted as soon as possible to avoid security risk.

Media Protection: It is quite easy to damage diskettes, tape cartridges, and other magnetic media, or to lose the data stored on such media. Users should be instructed on the proper use, care and storage of magnetic media.

1. Users should be instructed to lock away any storage media when they are finished using them. Storage media should be locked in a filing cabinet or a desk when not being used. Storage media should be stored in a media storage case. Users who have data that relate to the Health Insurance Portability and Accountability Act (HIPAA), must follow required guidelines to protect their storage media.
2. Users should keep storage media away from extreme low temperatures and from sources of heat such as radiators, direct sunlight, etc. Storage media are very susceptible to extreme temperatures. Extreme temperatures may damage the media resulting in loss or corruption of data.
3. Storage media should be stored in their protective cases in order to protect them from air-borne contaminants such as dust.
4. Users should never touch the magnetic surface of storage media or the protective sliding shield. Touching the magnetic surface of storage media may prevent the drive from being able to read the data on the storage media. Fingerprints on storage media surfaces may also cause physical damage to the storage media and the reader. Moving the protective shield on a 3 ½ “ diskette, for example, may damage the shield and render the diskette unusable.
5. Users must be careful when handling storage media. Bending diskettes, for example, may damage them and render them unreadable. Paper clips can also damage diskettes by bending them or by erasing data on the diskette (paper clips stored in magnetic paper clip holders sometimes are magnetized and this may erase data on the diskette it is used with.)
6. Users are to keep storage media away from magnets or equipment, which produces magnetic fields (such as magnetic paper clip holders, magnetic paper holders, electric pencil sharpeners, etc.) Magnetism is magnetic media’s worse enemy. All magnetic media should be kept away from sources of magnetism.
7. Users should be instructed to be careful when inserting storage media into a drive so as not to damage the media or the drive.
8. Users must keep storage media away from liquids. Coffee, soft drinks and other liquids may damage a diskette and render it unusable.

While in the performance of work-related functions, or using County publicly provided technology resources, Wayne County employees are expected to use them responsibly and professionally. They shall make no intentional use of these resources in an illegal, malicious, inappropriate or obscene manner. Each Internet capable workstation will be configured to allow the screening and review of sites visited on the Internet

Virus Protection: Virus infections are becoming increasingly widespread. A virus infection may be, at a minimum, an annoyance to the users of a personal computer. However, in some instances, a virus may end up costing the user a lot of time through destruction of data or by preventing the user from being able to access the data stored on a hard drive.

1. IT Department will install a virus scanning and cleanup program on the WAN. All workstations and servers will have anti-virus software installed. All departments will use the same anti-virus application.
2. The Anti-Virus program will be able to check users Personal Computers and their diskettes for known viruses.
3. IT Department will train users on procedures for preventing the spread of the viruses.
4. When a user gets a virus the user will be notified as well as network administrators.

Access Control: Access Controls are defined for and assigned to specific data files, utilities, resources and other system privileges. Access Controls can be specific to individual users or to a group of users. Users should only be given access to those files and system resources they need to perform their job.

Considerations include:

- Access to Directories
- File Attributes
- Account Restrictions
- Time Restrictions
- Other Privileges

1. Users will only be given rights to directories they need to do their job. If a user needs temporary access to a directory, the access rights should be removed when they are no longer needed.
2. File access attributes will be granted based on need.
3. Files containing confidential or sensitive information will be restricted to a minimum number of users on a need to know basis.
4. Users will not be allowed concurrent sign on privileges. Any exceptions must be approved by Network Administrator and the IT Director.
5. Users should be encouraged to clean up their directories on a regular basis. Network administrators may limit users disk space if the need arises.
6. Access to servers is restricted to IT Department Staff.
7. Consideration should be given to restrict user access to business hours only, especially for those users who are authorized to access and use sensitive and/or confidential data.
9. Using WayneGov-AllWayneGovEmployees to broadcast an email to all users may be used only with Department Head approval and may not be used as a means to promote solicitation.

Physical Security: Physical security of the LAN, including the server and workstations, is critical to the security of the LAN. It is important that access to critical system components (such as the server) is restricted to a small number of individuals (usually the administrator and his/her backup.) Other considerations should include protection of equipment against theft, fire, and electrical hazards.

1. Workstations should be equipped with power bars that have built-in surge protection circuitry to protect against damage that may be caused by sudden and extreme power fluctuations.
2. Storage media should be stored in media safes or cabinets. Magnetic media should be stored in media safes/cabinets designed to protect magnetic media against heat, fire, smoke, humidity, dust particles, and magnetism.

Backup and Recovery: Users rarely backup data on their hard drives. It is therefore very important that backup and recovery requirements are identified and implemented in all LAN environments:

1. Although users should be encouraged to store important files on the server and to do backups of any files they maintain in their hard drives, implementing an automatic backup mechanism for user files stored on hard drives should be considered. Only County related business files should be backed up

## SECTION 5

### **Vehicle Fleet Policy**

#### **1. Overview**

As a driver of a county vehicle, the authorized driver has been given certain privileges. He/she assumes the duty of obeying all motor vehicle laws, maintaining the vehicle properly at all times and, otherwise, following the policies and procedures outlined in the following.

#### **2. Vehicle Fleet Purpose**

County vehicles are provided to support business activities and are to be used only by qualified and authorized employees. They are not to be considered a part of an employee's compensation and must not be used as an inducement for employment. In all cases, these vehicles are to be operated in strict compliance with motor vehicle laws of the jurisdiction in which they are driven and with the utmost regard for their care and cost efficient use.

- County vehicles may not be used for business activities of other companies.

#### **3. Driver Licensing**

County drivers and anyone authorized to drive the county vehicles must have a valid North Carolina driver's license for the class of the vehicle being operated and must be able to drive a vehicle. Obtaining a driver's license is a personal expense.

#### **4. Driver Qualifications**

Driver qualifications are as follows:

1. Authorized employee of county.
2. Have at least one year of experience in the class of vehicle operated.
3. Must meet licensing requirements.
4. Will not qualify for a county vehicle if, during the last 36 months, the driver had any of the following experiences:
  - Been convicted of a felony.
  - Been convicted of sale, handling or use of drugs.
  - Has automobile insurance canceled, declined or not renewed.
  - Been convicted of an alcohol- or drug-related offense while driving.
  - Had driver's license suspended or revoked.
  - Been convicted of three or more speeding violations or one or more other serious violations.

- Been involved in two or more chargeable accidents.

## 5. Review of Motor Vehicle Record

State Motor Vehicle Records (MVRs) will be used as the source for verifying driver history. MVRs will be obtained and reviewed at least annually. Driving privileges may be withdrawn or suspended and/or the county vehicles removed for any authorized driver not meeting the above requirements. In addition, appropriate disciplinary action may be taken.

## 6. Personal Use

County vehicles may only be operated by drivers who have been assigned a vehicle by the Department Manager. Anyone operating a County vehicle must first read and sign a Vehicle Use Statement located on [www.waynegov.com](http://www.waynegov.com) under the Finance Department's webpage. Additionally, unless the vehicle falls under one of the categories below, it cannot be used for ANY personal purposes (except de minimus use, such as driving to lunch while away from the office). The following categories of vehicles (called qualified nonpersonal use vehicles) may not be used for personal purposes, EXCEPT for commuting to/from work. Additional personal use is strictly prohibited other than de minimus use. A qualified nonpersonal use vehicle is any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design. Qualified nonpersonal use vehicles generally include all of the following vehicles:

- Clearly marked police and fire vehicles\*
- Unmarked vehicles used by law enforcement officers if the use is officially authorized\*
- Qualified specialized utility repair truck\*
- An ambulance or hearse used for its specific purpose
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose
- Construction or specially designed work vehicles (i.e., bucket trucks, dump trucks, cement mixers, forklifts, garbage trucks)
- School buses
- Tractors, combines, and other special-purpose farm vehicles.

\*These vehicles are discussed in greater detail below.

### Clearly Marked Police, Fire, or Public Safety Officer Vehicles

A clearly marked police, fire, or public safety officer vehicle qualifies only if the following apply:

- Employee must always be on call.
- Employee must be required by the employer to use the vehicle for commuting.
- Employer must prohibit personal use (other than commuting) for travel outside of the officer or firefighter's jurisdiction. Reg. § 1.274-5T(k)(3); Prop. Reg. 106897-08

A police, fire, or public safety officer vehicle is clearly marked if, through painted insignia or words, it is readily apparent that the vehicle is a police, fire, or public safety officer vehicle. A marking on a license plate is not a clear marking for this purpose.

### Unmarked Law Enforcement Vehicles

Unmarked law enforcement vehicles are qualified nonpersonal use vehicles only if the following apply:

- The employer must officially authorize personal use.
- Personal use must be incident to use for law-enforcement purposes; i.e., no vacation use.
- The employer must be a governmental unit responsible for prevention or investigation of crime.

The vehicle must be used by a full-time law enforcement officer; i.e. officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work. Reg. §1.274-5T(k)(6)

### Qualified Specialized Utility Repair Truck

The following tests must be met for a specialized utility repair truck to qualify as a qualified nonpersonal use vehicle:

- The truck (not van or pickup) is designed to carry tools, equipment, etc.
- The truck has permanent interior construction, including shelves, and racks.
- The employer must require employee to commute for emergency call-outs to restore or maintain power services, i.e., gas, water, sewer. Reg. § 1.274-5T(k)(5)

Vans and pickup trucks do not qualify as qualified nonpersonal use vehicles unless specifically modified to be unlikely to have more than minimal personal use. For a van or pickup truck with a loaded gross vehicle weight of 14,000 pounds or less, the vehicle must be clearly marked with permanently affixed decals, special painting, or other advertising associated with the trade, business, or function and:

- Vans must have a seat for the driver only (or the driver and one other person) and either of the following items:
  - Permanent shelving that fills most of the cargo area, or
  - An open cargo area, and the van always carries merchandise, material, or equipment used in your trade, business, or function. Rev. Rul. 86-97PLR 200236022
- Pickup trucks must meet either of the following requirements:
  - Equipped with at least one of the following items:
    - A hydraulic lift gate.
    - Permanent tanks or drums.
    - Permanent side boards or panels that materially raise the level of the sides of the truck bed.
  - Used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, arming, mining, drilling, timbering, or other similar operation for which it was specially designed or significantly modified.

## **7. Maintenance**

Authorized drivers are required to properly maintain their county vehicles at all times. Vehicles should not be operated with any defect that would inhibit safe operation during current and foreseeable weather and lighting conditions. Preventive maintenance such as regular oil changes, lubrication and tire pressure and fluid checks determine to a large extent whether you will have a reliable, safe vehicle to drive and support work activities. You should have preventive maintenance completed on your vehicle as required in the owner's manual. This service should be done at one of the county authorized maintenance facilities. A list of facilities may be obtained from the County Finance Office.

Vehicle repairs or service in excess of \$50 must have prior approval by Department Manager.

## **8. Personal Cars Used on County Business**

The county does not assume any liability for bodily injuries or property damage the employee may become personally obligated to pay arising out of an accident occurring in connection with operation of his/her own car. The reimbursement to the employee for the operation of his/her car on county business includes the allowance for the expense of automobile insurance. You are required to have minimum liability limits of \$100,000/\$300,000/\$50,000. The county does not specify and assumes no responsibility for any other coverage employees carry on their own cars since this is a matter of individual status and preference.

## **9. Traffic Violations**

Fines for parking or moving violations are the personal responsibility of the assigned operator. The county will not condone nor excuse ignorance of traffic citations that result in court summons being directed to itself as owner of the vehicle.

Each driver is required to report all moving violations to the Department Head within 24 hours. This requirement applies to violations involving the use of any vehicle (county, personal or other) while on county business. Failure to report violations will result in appropriate disciplinary action.

Please be aware that traffic violations incurred during non-business (personal use) hours will affect your driving status as well and are subject to review.

## **10. Accidents Involving County Vehicles**

In the event of an accident:

- Do not admit negligence or liability.
- Do not attempt settlement, regardless of how minor.
- Get name, address and phone number of injured person and witnesses if possible.
- Exchange vehicle identification, insurance county name and policy numbers with the other driver.
- Take a photograph of the scene of accident if possible.
- Call the police if injury to others is involved. You may want to call police even if there are no injuries.
- Complete the accident report in your vehicle.
- Turn all information over to your Department Head within 24 hours.

## **11. Thefts**

In the event of the theft of a county vehicle, notify local police immediately.

## **12. Driver Responsibilities**

Each driver is responsible for the actual possession, care and use of the county vehicle in their possession. Therefore, a driver's responsibilities include, but are not limited to, the following:

- Operation of the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect or disrespect of the equipment.
- Obey all traffic laws.
- The use of seat belts and shoulder harness is mandatory for driver and passengers.

- Adhering to manufacturer’s recommendations regarding service, maintenance and inspection. Vehicles should not be operated with any defect that would prevent safe operation.
- Attention to and practice of safe driving techniques and adherence to current safety requirements. **“Texting” is not permitted while operating a county vehicle.**
- Restricting the use of vehicles to authorized driver only.
- Reporting the occurrence of moving violations.
- Accurate, comprehensive and timely reporting of all accidents by an authorized driver and thefts of a county vehicle to the county finance office.

Failure to comply with any of these responsibilities will result in disciplinary action.

### 13. Preventable Accidents

A preventable accident is defined as any accident involving a county vehicle – whether being used for county or personal use – or any vehicle while being used on county business that results in property damage and/or personal injury, and in which the driver in question failed to exercise every **reasonable precaution** to prevent the accident.

#### 1. Classification of preventable accidents

- Following too close
- Driving too fast for conditions
- Failure to observe clearances
- Failure to obey signs
- Improper turns
- Failure to observe signals from other drivers
- Failure to reduce speed
- Improper parking
- Improper passing
- Failure to yield
- Improper backing
- Failure to obey traffic signals or directions
- Exceeding the posted speed limit
- Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) or similar charges.

### Sub-Section 5-A:

#### 1. Motor Vehicle Record Policy

It is a Wayne County policy and requirement for employment that every employee position with driving duties requires a motor vehicle record (MVR) meeting the grading requirements stated below. This MVR policy applies both to drivers of company owned vehicles as well as employees using personal vehicles in the course of county business.

MVRs will be examined prior to the start of employment and at least annually thereafter. Any job offer made to an employee-candidate for a position with driving duties shall be contingent upon an MVR



meeting the required standards; continued employment in a position with driving duties also requires an MVR meeting the standards outlined below.

The standards for MVRs are as follows:

1. All operators must have a valid driver’s license for at least three years.
2. No new driver will be hired with a “borderline” or “poor” MVR. MVRs will be graded based on the table below, as minimum requirements.
3. Driving records must remain “acceptable” or “clear,” as graded on the table below, for continued employment in positions with driving duties.

Any exceptions to these guidelines must be referred to senior management for written approval. The auto insurance carrier will be consulted on any/all MVRs not meeting the minimum criteria.

**2. Motor Vehicle Grading Criteria (last three years)**

Number of Minor Violations	Number of at-fault accidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any major violation	Poor	Poor	Poor	Poor

  

<b>Minor Violation:</b>	<b>Major Violations</b>
<p><b>Any minor violation other than a major except:</b></p> <ul style="list-style-type: none"> <li>• Motor vehicle equipment, load or size requirement</li> <li>• Improper/failure to display license plates</li> <li>• Failure to sign or display registration</li> <li>• Failure to have driver’s license in possession (if valid license exists)</li> </ul>	<ul style="list-style-type: none"> <li>• Driving under influence of alcohol/drugs</li> <li>• Failure to stop/report an accident</li> <li>• Reckless driving/speeding contest</li> <li>• Driving while impaired</li> <li>• Making a false accident report</li> <li>• Homicide, manslaughter or assault arising out of the use of a vehicle</li> <li>• Driving while license is suspended/revoked</li> <li>• Careless driving</li> <li>• Attempting to elude a police officer</li> </ul>

## **POLICY STATEMENT: PERSONAL VEHICLE USE FOR COUNTY BUSINESS**

Any person, using their personal vehicle for company business must meet the following criteria:

- Satisfy the County driver qualification requirements.
- Provide a certificate of insurance with limits of liability of at least \$100,000/300,000/50,000.
- The vehicle must pass the North Carolina Annual Safety Inspection.

### **IF YOU ARE INVOLVED IN AN INCIDENT:**

1. Stop at once! Check for personal injuries and send for an ambulance, if needed. Do not leave the scene, but ask for the assistance of bystanders.
2. If fire or smoke is present, evacuate vehicle occupants to a safe location. If stalled on a railroad track, evacuate occupants to a safe location away and at a right angle from the tracks.
3. If fire, smoke or spilled fuel is present, send for the fire department. Do not leave the scene; ask a bystander to call the fire department. If possible, use a spill kit to absorb the spill.
4. Protect the scene. Set emergency warning devices to prevent further injury or damage. Secure your vehicle and its contents from theft.
5. Secure assistance of the police whenever possible. Record names and badge numbers.
6. Record names, addresses and phone numbers of all witnesses, injured and driver(s) and their passengers. Record vehicle license numbers.
7. Do not argue! Make no statement except to the proper authorities. Sign only official police reports. Do not make statements regarding the operating condition of your vehicle and do not admit fault.
8. Report the incident to your dispatcher/supervisor immediately after first aid has been given, authorities have been notified, the scene has been protected and you are able to do so.
9. Complete the incident report at the scene as thoroughly as possible. Exchange insurance information only with other involved driver(s).
10. If you strike an unattended vehicle and cannot locate the owner, leave a note with your name and the county's address and phone number, get the vehicle description, VIN number and license plate number.

### Section: 6: Cell Phone Policy

#### Purpose

This policy allows Wayne County to meet IRS regulations and its fiduciary responsibility to the taxpayers by providing guidelines for the use of cell phones for business purposes.

The IRS considers cell phones to be "listed property" of Wayne County. As such, it requires that any personal use of an employer-provided cell phone is income to the employee and included in the wages of that employee. Because personal use of each County cell phone cannot be easily determined, employees must choose one of two options detailed below.

#### Options

A. *Employee chooses a monthly allowance*

1. Establishment and Payment of Allowance

The employee is eligible for an allowance to cover cell phone expenses. The request may be made any time during the fiscal year. To initiate payment of a monthly cell phone allowance an employee must first read and complete the Cell Phone Authorization Form. This form must be approved by all levels indicated on the form before an allowance is paid.

2. Determination of Dollar Amount of Allowance

The dollar amount of the cell phone allowance should cover the employee's projected business-related expenses. These expenses are the cost of basic equipment, and the cost of the employee's monthly cell phone plan. The plan chosen should be the least expensive that provides adequate business-related services. Upgrades to basic equipment (special cosmetic or technical features, etc.) or expected cell phone use unrelated to business cannot be considered. Determination of the dollar amount of the allowance is depended upon what type of phone the employee has and will be designated upon completion of the Cell Phone Authorization Form.

3. Use of Phone

The employee must retain an active cell phone contract as long as a cell phone allowance is in place. Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired.

Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

4. Documentation and Review Requirements

The Cell Phone Authorization Form and a copy of the employee's most recent cell phone invoice must be submitted to initiate an allowance.

Wayne County is responsible for an annual review of employee business-related cell phone use, to determine if existing cell phone allowances should be continued as-is, changed, or discontinued.

5. Fees for Contract Changes or Cancellations

If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone results in the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation.

If, prior to the end of the cell phone contract period, a supervisory decision (unrelated to employee misconduct) results in the need to end or change the cell phone contract, Wayne County will bear the cost of any fees associated with that change or cancellation. For example, the employee's supervisor has changed the employee's duties and the cell phone is no longer needed for business purposes.

If an employee will no longer be using a cell phone for County purposes the Department Manager will need to update the employee's Cell Phone Authorization Form. A copy must be sent to Linda Tipton in payroll and Noelle Woods in Purchasing to terminate the allowance payment.

B. Employee chooses to continue use of County-owned cell phone

If the employee chooses to continue use of County-Owned cell phone, the County will continue to be invoiced and pay for the employee's monthly cell phone bill. If an employee chooses this option, no allowance will be given to the employee, but **NO PERSONAL USE IS ALLOWED**. When monthly statements are distributed to Department Managers, employees must view and sign the monthly statements to verify that all calls made were for business purposes only. The employee's monthly statement of phone usage will be audited by the employee's Department Manager, and the employee will reimburse the County for any emergency personal calls that are made on the phone. Reimbursement will be made by the employee within 30 days of the cell phone statement's invoice date. Failure to promptly reimburse the County for personal calls will result in a payroll deduction from the employee's next payroll check for the value of personal calls made on the County's cell phone and could result in termination of cell phone privileges.

Managerial Responsibility

Managers are responsible for initiating all requests for business cell phone usage. Once an employee completes and signs the Cell Phone Authorization Form, the Department Manager must also sign the form before sending one copy of the signed approval form to Linda Tipton in Human Resources and one to Noelle Woods in Purchasing. Additionally, Managers are required to submit a Departmental Consent Form for Cell Phone Use.

Important!

The County requires adherence to guidelines stipulated in the County's IT policy when utilizing Internet-capable cell phones for e-mail, Internet, or other business-related files. Employees who receive a monthly allowance for cell phones must also adhere to these guidelines when using their phones for business-related purposes. Please be reminded that any business-related documentation or e-mail accessed through a cell phone is considered public record and may be subject to public inspection.

## SECTION 7

### TRAVEL POLICY

#### SECTION 1. POLICY

a. Purpose

The intent of this policy is to provide County departments, agencies, and employees with a guideline for payment and reimbursement of travel expenses pertaining to official travel and subsistence. Discretion is given to individual departments to further define this policy for their use.

b. Applicability

All employees Wayne County are subject to this policy.

c. Employee and Board Member Responsibility

County officers and employees may have their travel expenses reimbursed by Wayne County.

An officer or employee traveling on official business is expected to exercise the same care in incurring expenses that he or she would exercise if traveling on personal business and using personal funds. Officers and employees will be held personally responsible for all unauthorized costs and additional expenses incurred for personal preference or convenience.

Willful violations of this policy will result in disciplinary action up to and including dismissal. Nothing in this policy shall preclude Wayne County from pursuing all other legally available remedies.

#### SECTION 2. DEFINITIONS

For the purposes of this policy, the following definitions apply:

- a. *Authorizing Party* – An individual authorized by this policy or by a department head to approve requests for travel advances, reimbursements, or other payment.
- b. *Common Carrier* – Commercially scheduled airplane, rail, bus, or taxi service.
- c. *County Employee* – Any employee, temporary or regular, who is paid through a County payroll.
- d. *Department Head* – Any person who oversees and is responsible for the entire operation of a department. The department head may delegate duties within this policy to other responsible persons. See authorizing party.
- e. *Duty Station* – The job location at which the employee spends the majority of his or her working hours or the point at which the majority of travel begins.
- f. *Excess Expenses / Costs* – Any travel expenses / costs that exceed the limitations set forth in this policy.
- g. *Mileage Rate* – The rate at which a person is reimbursed for use of a personal vehicle. The approved rate, which becomes effective at the beginning of each fiscal year, shall be the current standard IRS mileage allowance.
- h. *Officials* – People holding positions of appointment with Wayne County.
- i. *Requesting Party* – The person who will be reimbursed for travel costs incurred while conducting County business or visiting for employee interviews.
- j. *Subsistence* – Cost of lodging and meals while the officer, employee, or board member is engaged in official travel.

- k. *Transportation Expenses* – Includes personal automobile, taxi, bus, train, airplane, motor pool charges, auto rentals, tolls, and parking fees.
- l. *Travel* – All activities involving authorized business expenses for transportation, subsistence, and registration, which are to be paid from County funds or which involve County vehicles for transportation.
- m. *Travel Period* – The time spent away from the duty station on County business.
- n. *Willful Violations* – Excess costs, indirect routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business for which a request for reimbursement or payment is made.

### **SECTION 3. GENERAL GUIDELINES**

#### **a. Home-to-work Travel**

As a general rule, home-to-work travel is not reimbursable. However, there may be exceptions to this rule as noted below. An employee who has gone home after completing a day's work and is subsequently called out at night for an emergency job or meeting may be eligible for mileage reimbursement. There also could be situations where an employee is asked to conduct County business on the way to/from work. If this results in additional mileage for the employee, he or she may file for reimbursement of the additional miles only. Reimbursement may not be appropriate if the employee is traveling from home to an alternate work station, closer than their normal duty station, on a scheduled work detail. Travel time is normally not paid unless it exceeds that usually required for the home-to-work travel. The department heads must properly authorize all of these exceptions.

#### **b. Reimbursement**

All reimbursement requests involving travel advances shall be submitted to the authorizing party for approval and payment within five working days of the travel period ending date. All other reimbursement requests shall be presented within thirty days of the travel period.

#### **c. Travel**

Authorization of travel and reimbursement will be based upon need, cost/benefit of travel, and availability of funds as determined by the authorizing party. Lodging, common carrier transportation fares, meal allowances, and registrations, may be paid by the County in advance, directly by the requesting party, or by travel advance. All other travel costs are to be paid directly by the requesting party. Car pooling with other officers or employees of Wayne County and/or representatives of other government units is encouraged. Reimbursement for mileage for only one vehicle will be allowed unless the number traveling indicates otherwise or approved in advance by the authorizing party.

#### **d. Prospective Employees**

The County Manager is authorized to approve reimbursement of travel expenses of individuals visiting for employment interviews. The expenses should be limited to transportation and subsistence. No travel advances will be issued to prospective employees.

#### **e. Registration Fees**

The County allows reasonable registration fees for County officials or employees. Approved fees may be paid by the unit in advance, or directly by the employee and then reimbursed, or in some circumstances through a travel advance. No authorization will be granted unless full justification and documentation are provided. Copies of brochures, fee schedules, or other material listing the costs included in the registration fees should accompany requests. The

County will pay the basic registration fee and fees for associated professional activities. Any additional activities that the employee cares to attend are that employee's responsibility.

**f. Exceptions**

Exception to these policies must be discussed with and approved by the Finance Director and/or the County Manager prior to incurring any excess expenses.

**SECTION 4. SPECIFIC GUIDELINES – TRANSPORTATION**

**a. Common Carrier**

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

**b. Personal Vehicle**

A requesting party may use his or her personal vehicle for travel and be reimbursed at the approved mileage rate if a County vehicle is unavailable or use of a County vehicle is not practical. The reimbursable mileage is the actual mileage measured from the duty station to the destination and return.

**c. County Vehicle**

County vehicles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting County business only. A minimal amount of personal use, such as driving the vehicle to and from dinner, may be allowed.

**d. Rental Vehicle**

An itemized receipt is necessary for reimbursement. Rental vehicles are to be used as a last resort. Use must be approved in advance by the department head.

**e. Parking Fees and Tolls**

Receipts are required for fees in excess of \$2.00 per day.

**SECTION 5. SPECIFIC GUIDELINES – SUBSISTENCE**

**a. Meals and Incidental Expenses**

Each requesting party is responsible for his or her own request for reimbursement. Specific dates of meals must be listed on the reimbursement request, as well as departure and arrival times. Please refer to [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) for the applicable rate for your travel location. **Only one method of meal expense payment may be used. For example, the traveler may request reimbursement at the per diem rate OR may use a county purchasing card and submit the expense for payment with the meal receipt. The traveler may not use a**

**purchasing card and then request reimbursement of the difference between actual cost and per diem, if applicable.**

The traveler may choose to use or allocate this amount between meals as he or she chooses. .

For travel periods of less than a full day, the following “per meal” amounts shall be used:

<b>Meal</b>	<b>Qualification</b>	<b>Amount</b>
Breakfast	Depart duty station prior to 7:00 a.m.	<b>Up to \$7.00</b>
Lunch	Depart duty station prior to 10:00 a.m. and return after 2:00 p.m..	<b>Up to \$11.00</b>
Dinner	Return to duty station after 7:00 p.m.	<b>Up to \$23.00</b>

Receipts are not required for meal reimbursement unless a County purchasing card is used for payment. The amounts indicated above shall be treated on a per diem basis.

Employees will not be reimbursed for meals within the boundaries of Wayne County unless such expenses are incurred for attendance at formal meetings, conferences, or seminars.

**b. Lodging**

In order to qualify for reimbursement, all lodging must be approved in advance by the Department Head.

Lodging expenses will be reimbursed at the actual cost of the room, providing the employee seeks reasonably priced lodging. Each employee is responsible for his or her own request for reimbursement. Specific dates of lodging must be listed on the reimbursement request, and substantiated by an itemized receipt from a commercial lodging establishment. Only charges for room and tax will be reimbursed. Additional personal expenses are not reimbursable. Employees sharing a room with a non-County individual (including family members) are responsible for reporting and requesting reimbursement of lodging expenses at single occupancy rates.

**c. Tips**

Reasonable baggage handling tips may be claimed for porters at terminals and hotels as “Other Expenses”.

**Telephone Calls**

Requesting parties will not be permitted to charge long distance phone calls to the County for calls made of a personal nature, except for one “safe arrival” call and a single call per day not to exceed ten (10) minutes in length.

**SECTION 6. COMPLETION OF TRAVEL FORM**

**a. Mileage report**

Officials and employees who use a personal vehicle on a regular basis for trips in and around the County should complete a mileage report that notes name, department, travel dates, and total number of miles. Total miles for the reporting period (usually a month) is then noted on the



“Claim for Expenses: Official Travel Form”. Odometer readings are not required if the department has another consistently applied, reasonable method of verifying mileage.

Mileage Reports and the Claim for Expenses will be submitted to the Finance Department on a monthly basis for reimbursement.

**b. Travel Expense Report for Reimbursement**

If a travel advance has been issued, the Claim for Expenses form should be submitted to the Finance Department within five days of completion of the travel period. Other reimbursement requests should be presented within thirty days of the travel period. Documentation must be provided for all expenses except meals, parking fees less than \$2.00 per day and baggage-handling tips.

**SECTION 8 - TRAINING**

The County of Wayne recognizes the need for a comprehensive training program open to all employees at levels and to the degree necessary for all employees to perform their job to the best of their ability. In order to insure that all employees are trained appropriately and have an equal opportunity to participate in training activities, the following will apply:

1. Safety Training – All employees will be required to complete OSHA-required training pertinent to their position.
2. Supervisory Training – All employees who supervise other employees, whether supervisor or department head, will be required to attend a minimum of one supervisory training course per year.
3. Wellness Program Training – All employees will be required to attend at least two Wellness Program-sponsored training event each year.
4. Certification Training - Training required for certifications necessary for the performance of a specific job will be the joint responsibility of the affected employee and that employee’s supervisor. Failure to complete training in order to maintain required certifications will result in disciplinary action.
5. Mutually Advantageous Training - Training that is considered mutually advantageous (enhances the employee’s ability to do his/her job AND provides and/or enhances a marketable skill for the employee) may require a written commitment.
6. Training Resulting in Pay Increases - Skill enhancements such as but not limited to learning a second language may result in pay increases. Failure to maintain enhanced skills at an acceptable level will result in withdrawal of the applicable pay increase. Failure to maintain certifications, whether required for job or not, that resulted in pay increases, will result in pay reductions until certifications are regained.
7. Training Mandated as Performance Measure – To assist in the development of employees, whether in their existing position or as part of the county succession plan, specific training may be included in individual employee performance appraisals as a performance measure. Successfully completing this training is the joint responsibility of the employee and the supervisor.

8. Technology Training – All employees who use computers in the performance of their normal duties will be required to demonstrate basic computer skills and may be required to take the Computer Basics Skills Check. Employees who wish to participate in more advanced computer training (Word, Excel, PowerPoint, etc.) must successfully pass the Computer Basics Skills Check before participating in the advanced training. A skills check may be required for each training course to insure that employees are placed in classes most appropriate for their needs.

As a general rule, the County will cover expenses involved in OSHA-required training, the required supervisory training, the required wellness training, training required to maintain necessary certifications and training mandated as a performance measure. Employees with confirmed registration into an internally provided class (such as computer training provided by County Information Technology personnel) are obligated to attend. A charge of \$60.00 will be assessed to the department of any registered employee who fails to attend the class. This charge is necessary to cover expense of instructor time and materials prepared. The County will also support professional and personal development training as manpower and budgetary constraints reasonably allow. It is the employee's responsibility to confirm whether the expense and time for training will be covered by the County prior to beginning the training.

When noted that a training opportunity is the joint responsibility of the employee and the supervisor, that joint responsibility is further defined as:

1. The employee will commit to the time and workload involved in successfully completing the training.
2. The supervisor will confirm funding for the training, if applicable, and schedule appropriately to allow the employee to attend.

In the event a commitment has been made to attend a training opportunity and the employee fails to attend, any expense incurred on that employee's behalf in planning the training event becomes the responsibility of the employee. If failure to attend was beyond the control of the employee, that expense to the employee may be waived at the request of the employee's department manager and approval of the County Manager. If failure to attend was the responsibility of the supervisor, that employee's department may be assessed any expense incurred on that employee's behalf.

Training opportunities represent a significant investment of time and money. A comprehensive training program benefits employees by preparing them to do their existing job better, supporting opportunities for advancement to other positions, and building a working culture of personal and professional growth. **In some cases, employees may be required to commit to specific employment obligations in return for County funding of training opportunities.** Benefits to the county include improved employee morale, more proficient employees, greater retention of skilled employees, and improved ability to provide services to the community. Providing appropriate training to all employees will be a continuous process requiring commitment on the part of employees and leadership.

Rev. 2-25-2015

## **SECTION 9 – WHISTLEBLOWERS POLICY AND REPORTING**

### **Statement of Policy:**

Wayne County requires all employees observe high standards of business and personal ethics in the conduct of their duties and responsibilities. It is the policy of Wayne County that employees shall be encouraged to report verbally or in writing to their supervisor, department head, Human Resources Director, or any other appropriate authority, evidence of activity by an employee constituting:

1. A violation of State or Federal law, rule or regulation
2. Fraud
3. Theft
4. Malfeasance or misfeasance of State, Federal or Local resources
5. Substantial and specific danger to the public health and safety; or
6. Gross mismanagement, gross waste of monies, or gross abuse of authority.

Further, it is the policy of Wayne County that employees should be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative panels. This policy is intended to encourage and enable employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

### **General Protection from Retaliation**

Wayne County prohibits and will not tolerate any form of reprisal, retaliation or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee who, in good faith, has made or intends to make a report of a violation of federal, state, or local law, regulation, or board policy due to a practice, policy, act or omission of the board of commissioners, of an employee, or of an entity/person with whom the county has a business relationship.

No employee exercising supervisory authority shall discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee, in good faith, or a persona acting on behalf of the employee, reports or is about to report, verbally or in writing, any violation of federal, state, or local law, regulation or board policy.

No employee exercising supervisory authority shall discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee has refused to carry out a directive which in fact constitutes a violation of federal, state, or local law, regulation or board policy, or poses a substantial and specific danger to the public health and safety.

This policy supports all protections offered by North Carolina Statute G.S. 126-84-88.

### **Reporting Violations**

Wayne County supports an open door policy and suggests that employees share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's immediate supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, the County has established a Whistleblower's Hotline at (919)731-1600. Employees may use this line to report concerns anonymously or may leave contact information if they wish to receive feedback.

Formal complaints should be made in writing and filed with the Human Resources Director. Once the complaint is filed, the Human Resources Director will conduct a prompt and thorough investigation of the complaint.

All reports are held in strict confidence, and are taken seriously. If necessary, the County Manager may specify reasonable steps to protect the complaining employee from retaliation.

#### **SECTION 10 – PERSONAL PROPERTY**

Employees are responsible for the care and safekeeping of their personal property during the course of their employment and while on County property. Employees are discouraged from bringing personal items to work that are not necessary for their personal use during the day and/or are considered valuable. The County will not assume responsibility for theft or damage of employees' personal property.