# Chatham County Personnel Policy
# Last Amendment: 9-19-2016

TABLE OF CONTENTS

**ARTICLE I: ORGANIZATION OF THE PERSONNEL SYSTEM.....**

SECTION 1: PURPOSE. .....
SECTION 2: COVERAGE. .....
SECTION 3: DEFINITIONS (LISTED ALPHABETICALLY). .....
SECTION 4: MERIT PRINCIPLE. .....
SECTION 5: RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS. .....
SECTION 6: RESPONSIBILITIES OF THE COUNTY MANAGER. .....
SECTION 7: RESPONSIBILITIES OF THE HUMAN RESOURCES DIRECTOR .....

**ARTICLE II: THE CLASSIFICATION PLAN .....**

SECTION 1: ADOPTION.....
SECTION 2: ALLOCATION OF POSITIONS.....
SECTION 3: ADMINISTRATION. .....
SECTION 4: AMENDMENT. .....

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

SECTION 1: ADOPTION.....
SECTION 2: MAINTENANCE.....
SECTION 3: ADMINISTRATION. .....
SECTION 4: HIRING RATE/STARTING SALARY. .....
SECTION 5: PROGRESSION IN THE SALARY RANGE. .....
SECTION 6: FAILURE TO PERFORM SATISFACTORILY. .....
SECTION 7: DELAY OF PERFORMANCE EVALUATION. .....
SECTION 8: PAYMENT AT A LISTED RATE. .....
SECTION 9: TRAINEE AND WORK-AGAINST SALARIES. .....
SECTION 10: PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION. .....
SECTION 11: PAY RATES IN SALARY RANGE REVISIONS.....
SECTION 12: PAY FOR PART-TIME WORK.....
SECTION 13: OVERTIME. .....
SECTION 14: PAYROLL DEDUCTIONS. .....
SECTION 15: PAYROLL PROCEDURE.....
SECTION 16: EFFECTIVE DATE OF SALARY ADJUSTMENTS.....

**ARTICLE IV: RECRUITMENT AND SELECTION. .....**

SECTION 1: STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY. .....
SECTION 2: RECRUITMENT.....
SECTION 3: POSITION VACANCY ANNOUNCEMENTS. .....
SECTION 4: APPLICATION FOR EMPLOYMENT. .....
SECTION 5: APPLICANT TRACKING.....
SECTION 6: QUALIFICATION STANDARDS. .....
SECTION 7: SELECTION. .....
SECTION 8: APPOINTMENTS .....
SECTION 9: PROBATIONARY PERIOD OF EMPLOYMENT.....

SECTION 10: PROMOTION . .....
SECTION 11: DEMOTION. .....
SECTION 12: TRANSFER. .....
SECTION 13: NOTICE TO EFFECTED DEPARTMENTS. .....

**ARTICLE V: CONDITIONS OF EMPLOYMENT .....**

SECTION 1: WORKWEEK. .....
SECTION 2: GIFTS AND FAVORS. .....
SECTION 3: POLITICAL ACTIVITY RESTRICTED. .....
SECTION 4: SEXUAL HARASSMENT. .....
SECTION 5: OUTSIDE EMPLOYMENT. .....
SECTION 6: WHISTLEBLOWER POLICY……...
SECTION 7. LIMITATION ON EMPLOYMENT OF RELATIVES . .....
SECTION 8: TRAVEL EXPENSE AND REIMBURSEMENT. .....

**ARTICLE VI: HOLIDAYS AND LEAVE .....**

SECTION 1: PAID HOLIDAYS OBSERVED. .....
SECTION 2: EFFECT OF HOLIDAYS ON OTHER TYPES OF PAID LEAVE. .....
SECTION 3: HOLIDAYS—WHEN WORK IS REQUIRED. .....
SECTION 4: ADVERSE WEATHER CONDITIONS. .....
SECTION 5: VACATION LEAVE. .....
SECTION 6: SICK LEAVE. .....
SECTION 7: FAMILY AND MEDICAL LEAVE. .....
SECTION 8: OTHER LEAVE WITHOUT PAY. .....
SECTION 9: EDUCATIONAL LEAVE. .....
SECTION 10: WORKER'S COMPENSATION LEAVE. .....
SECTION 11: MILITARY LEAVE. .....
SECTION 12: EMERGENCY VOLUNTEER SERVICE LEAVE. .....
SECTION 13: COURT LEAVE. .....
SECTION 14: PETTY LEAVE. .....
SECTION 15: FUNERAL LEAVE. .....
SECTION 16: SCHOOL ACTIVITY LEAVE. .....
SECTION 17: VOLUNTARY SHARED LEAVE .....

**ARTICLE VII: EMPLOYEE BENEFITS .....**

SECTION 1: INSURANCE BENEFITS. .....
SECTION 2: UNEMPLOYMENT COMPENSATION. .....
SECTION 3: SOCIAL SECURITY. .....
SECTION 4: RETIREMENT BENEFITS. .....
SECTION 5: SUPPLEMENTAL RETIREMENT INCOME PLAN FOR NORTH CAROLINA. .....
SECTION 6: DEATH BENEFITS. .....
SECTION 7: LAW ENFORCEMENT OFFICERS' SEPARATION ALLOWANCE. .....
SECTION 8: EMPLOYEE ASSISTANCE PROGRAM .....
SECTION 9: BENEFITS—OTHER (FLEXIBLE). .....

**ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT .....**

SECTION 1: TYPES OF SEPARATION. .....
SECTION 2: REDUCTION IN FORCE. .....
SECTION 3: RESIGNATION. .....
SECTION 4: DISABILITY. .....
SECTION 5: SEPARATION DUE TO UNAVAILABILITY. .....

SECTION 6: DISCIPLINARY ACTIONS. .....
SECTION 7: FAILURE IN PERFORMANCE OF DUTIES .....
SECTION 8: FAILURE IN PERSONAL CONDUCT. .....
SECTION 9: PROCEDURE FOR TAKING DISCIPLINARY ACTION. .....
SECTION 10: PROCEDURAL SUSPENSIONS. .....
SECTION 11: EMPLOYEE APPEAL. .....
SECTION 12: REINSTATEMENT. .....

**ARTICLE IX: GRIEVANCE PROCEDURE .....**

SECTION 1: PURPOSE. .....
SECTION 2: COVERAGE. .....
SECTION 3: POLICY. .....
SECTION 4: PROCEDURE. .....
SECTION 5: PERSONNEL ADVISORY COMMITTEE. .....
SECTION 6: FINAL DECISION ON THE GRIEVANCE. .....
SECTION 7: MAINTENANCE OF GRIEVANCE RECORDS. .....
SECTION 8: OTHER REMEDIES PRESERVED. .....

**ARTICLE X. PERSONNEL RECORDS .....**

SECTION 1: PERSONNEL RECORDS MAINTENANCE. .....
SECTION 2: INFORMATION OPEN TO THE PUBLIC. .....
SECTION 3: ACCESS TO PERSONNEL RECORDS. .....
SECTION 4: CONFIDENTIAL INFORMATION. .....
SECTION 5: REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE. .....
SECTION 6: PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON. .....
SECTION 7: DESTRUCTION OF RECORDS. .....

## Article I: Organization of the Personnel System

***Section 1: Purpose.***

The purpose of this policy is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible workforce, and provide the means to remove unsatisfactory employees. This policy is established under the authority of N.C. GEN. STAT. §153A Article 5 and N.C. GEN. STAT. §126 of the General Statutes of North Carolina.

***Section 2: Coverage.***

**A.** All employees in the county's service, including those of the County Sheriff and the Register of Deeds, are subject to this policy, except as provided in this section.

**B.** Elected officials, the County Manager, and the County Attorney are exempt from all provisions of this policy, except the Sexual Harassment Policy as set forth in Article V, Section 4.

**C.** The following employees are covered only by the listed articles and sections:

1. Employees governed by the State Personnel Act (SPA) shall be subject to ***all*** articles ***except*** Article II, Sections 1 and 2, and Article VIII, Section 2.
2. The supervisor of elections shall be subject to ***all*** articles except Article IV; Article V, ***except*** for Section 4, the Sexual Harassment Policy; Article VIII; and Article IX.
3. Employees of the County Sheriff and the Register of Deeds shall be subject to ***all*** articles ***except*** Article VIII, except for Sections 2 and 11.
4. Temporary employees, as designated by the Board of Commissioners, shall be subject to ***all*** articles ***except*** Article VI, Article VII, except for Sections 2 and 3, Article VIII, and Article IX.
5. Except where expressly exempted from various articles, sections, and subsections, probationary employees shall be subject to ***all*** articles ***except*** Article VIII, Sections 6 through 13, and Article IX.
6. Limited term employees shall be subject to the same applicable provisions covering regular employees. At the end of the employment term, the employee's term of employment will expire and the employee will ***not*** be subject to Article VIII, Sections 2 (F) or Article VIII, Sections 6 through 12, or Article IX.

***Section 3: Definitions (listed alphabetically).***

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

**B. Alternative Adverse Weather Time Off:** Hour-for-hour leave earned when a regular employee is required to work when county offices are officially closed due to adverse weather.

**C. Alternative Holiday Time Off:** Hour-for-hour leave earned when a regular employee is required to work on a county holiday.

**D. Anniversary Date.** The employee's original date of employment with Chatham County in a regular position and the first date of employment following a promotion, transfer, demotion, or end of "work-against" or "trainee" status.

**E. Appointing Authority.** Any board or person with legal or delegated authority to make hiring decisions.

F. **Class.** Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.
G. **Cost-of-Living Increase.** An annual adjustment that may be made by the Board of Commissioners to all salary ranges.
H. **Days.** Unless otherwise indicated, the use of the term "days" shall mean calendar days.
I. **Demotion.** The voluntary or involuntary reassignment of an employee to a position or a classification having a lower salary range than the position or classification from which the reassignment is made.
J. **Disciplinary Suspension.** Suspension without pay as a result of disciplinary action. Maximum time is dictated by FLSA.
K. **Full-Time Employee.** An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Board of Commissioners as full-time.
L. **General County Employee.** A county employee not subject to the State Personnel Act.
M. **Grievance.** A claim or complaint of an event or condition which adversely affects the circumstances under which an employee works, allegedly caused by the misinterpretation, unfair application, or lack of an established policy pertaining to employment conditions.
N. **Hiring Rate.** The beginning salary paid to an individual who is fully qualified to perform the duties of the position to which he/she has been appointed. The default hiring rate is the minimum rate of the salary grade to which the position is assigned.
O. **Immediate Family.** Spouse, parents, guardian, children, siblings, grandparents, great-grandparents, and grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from the relationships named above.
P. **Immediate Suspension.** Suspension of an employee with pay to avoid the disruption of the workplace, to protect the safety of persons or property, or for other serious reasons. An immediate suspension requires the employee to leave county premises immediately and not return until given permission to do so.
Q. **Investigatory Suspension.** Suspension of an employee with pay for a maximum of thirty (30) days for the purpose of investigating facts to determine an employee's status.
R. **Limited Term Employee.** An employee appointed to serve in a regular position for a predetermined period of time that exceeds twelve (12) months. A limited term employee shall be considered a regular employee for all purposes, except that the employee serves for a predetermined period of time.
S. **Maximum Salary Rate.** The maximum salary authorized by the pay plan for a position within an assigned salary grade.
T. **Part-Time Employee**. An employee, either regular or temporary, who is regularly scheduled to work less than the number of hours per workweek designated by the Board of Commissioners as full time.
U. **Pay Plan.** A schedule of salary ranges arranged by sequential rates which include the minimum, midpoint, and maximum rate for each class and its assignment to a salary grade.
V. **Performance Evaluation System.** A review of an employee's performance, usually occurring on an annual basis, designed to facilitate fair and equitable pay decisions and recognize performance as the basis for pay increases within the established salary range.
W. **Position Classification Plan.** A plan approved by the Board of Commissioners that assigns classes to the appropriate salary grade.

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

Y. **Probationary Employee.** An individual appointed to a regular position who has not yet achieved regular status and who may be dismissed at any time, with or without cause.

Z. **Promotion.** The reassignment of an employee to an existing position in the county which is in a higher salary grade than the position from which the reassignment is made.

AA. **Reclassification.** The reassignment of an existing position from one class to another based on changes in job content and/or responsibilities.

BB. **Regular Employee.** An employee who has completed at least six months of satisfactory county service and who has been recommended for regular status by his/her department head and approved by the Appointing Authority.

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

DD. **Regular Part-Time Position.** A position and the duties and responsibilities of which can be performed in less than a full-time workday and/or workweek that has been approved by the Board of Commissioners.

EE. **Salary Grade.** All classes that are sufficiently comparable for one range of pay rates.

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

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

HH. **Salary Range.** The minimum and maximum salary levels for a given classification.

II. **Salary Schedule.** A listing by grade of all the approved minimum, midpoint, and maximum salary ranges authorized by the Board of Commissioners for the various classes.

JJ. **State Personnel Act (SPA) employees.** All employees of the Social Services Department and Health Department.

KK. **Temporary Employee.** An individual appointed to serve in a position for a definite duration, but not to exceed twelve (12) months, and who may be dismissed at any time with or without cause.

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

MM. **Training Rate.** The salary paid to an individual who does not possess the qualifications necessary to perform the duties of the position to which he/she has been hired. The training rate must be at least one dollar below the hiring rate assigned to the position.

NN. **Transfer.** The reassignment of an employee from one position or department to another position or department where the employee's former position and his/her new position are classed similarly and have the same salary range.

***Section 4: Merit Principle.***

All appointments and promotions shall only be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary range. No applicant for county employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee

because of the individual's race, color, religion, sex, national origin, political affiliation, nondisqualifying handicap, or age.

***Section 5: Responsibilities of the Board of Commissioners.***

The Board of Commissioners shall establish personnel policies and rules, including the classification and pay plan; shall make and confirm appointments when required by law, including the County Manager, Clerk to the Board, County Attorney, County Assessor, Tax Collector, and Deputy Tax Collector; and shall fill vacancies for the positions of Register of Deeds and Sheriff.

***Section 6: Responsibilities of the County Manager.***

**A.** The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program.

**B.** The County Manager shall appoint and dismiss, with prior approval from the Board of Commissioners, all department heads except those elected by the people or those whose appointment is otherwise provided for by law. The County Manager shall also appoint, suspend, and remove all other county officers and employees, except those elected by the people or those whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C. GEN. STAT. §153A-82 and Articles III, IV, V, and VIII of this personnel policy.

**C.** The County Manager shall also:

1. Recommend rules and revisions to the personnel system to the Board of Commissioners for consideration;
2. Recommend revisions to the position classification system to the Board of Commissioners for consideration;
3. Prepare and recommend revisions to the pay plan to the Board of Commissioners for approval;
4. Determine which employees shall be subject to the overtime provisions as provided for in Article III, Section 14;
5. Establish and maintain a roster of all persons in the county service, setting forth each employee, class, title of position, salary, changes in class title and status, and other such data as may be deemed desirable or useful;
6. Develop and administer recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the county;
7. Develop and coordinate training and educational programs for county employees;
8. Investigate the operation and effect of the personnel provisions of this policy periodically and report findings and recommendations to the Board of Commissioners; and
9. Perform other duties as may be assigned by the Board of Commissioners, which are not inconsistent with this policy.

**D.** The County Manager may delegate Items 1 through 9 listed above to the Human Resources Director or to another appropriate position.

***Section 7: Responsibilities of the Human Resources Director.***

The Human Resources Director shall assist in the preparation and maintenance of the position classification plan and the pay plan and shall also perform other duties in personnel administration as the Manager shall request.

## Article II: The Classification Plan

***Section 1: Adoption.***

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

***Section 2: Allocation of Positions.***

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

***Section 3: Administration.***

**A.** The County Manager shall be responsible for the administration and maintenance of the position classification plan. The purpose of administering and maintaining the plan is to ensure that it accurately reflects the duties performed by the employees in the classes to which their positions are allocated.

**B.** Department heads shall be responsible for bringing the following to the attention of the County Manager:
   **1.** The need for new positions;
   **2.** Material changes in the nature of duties, responsibilities, or working conditions that affect the classification of a position; and
   **3.** For departments subject to the State Personnel Act, the recommendation to the State Personnel Office for position classification.

**C.** New positions shall be established by the County Manager. The County Manager may:
   **1.** Allocate the new position to the appropriate class within the existing classification plan, or
   **2.** Amend the position classification plan to establish a new class to which the new position may be allocated.

**D.** When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall:
   **1.** Direct that the existing class specification be revised,
   **2.** Reallocate the position to the appropriate class within the existing classification plan, or
   **3.** Amend the position classification plan to establish a new class to which the position may be allocated.

***Section 4: Amendment.***

Classes of positions shall be added to, modified within, and deleted from the position classification plan by the Board of Commissioners or County Manager.

## Article III. The Pay Plan

***Section 1: Adoption.***

The salary schedule, which reflects grade levels, is approved by the Board of Commissioners as set forth in Appendix I and is hereby adopted as the pay plan for Chatham County.

***Section 2: Maintenance.***

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: (1) each other, (2) general rates of pay for similar employment in the private and public sector in this area, (3) changes in the cost of living, (4) financial conditions of the county, and (5) other factors. The County Manager shall, from time to time, conduct comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners changes to salary ranges that are warranted.

***Section 3: Administration.***

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

***Section 4: Hiring Rate/Starting Salary.***

The minimum rate established for the class is the normal hiring rate, except when unusual circumstances warrant an appointment at a higher rate. When the County Manager deems it necessary and in the best interest of the county, the County Manager may approve a hiring rate at a point between the minimum and maximum rates of the salary range, based on the recommendation of the department head. Above-the-minimum appointments will be based on the following factors: (1) the qualifications of the applicant are substantially higher than the minimum education and training for the class, (2) there is a shortage of qualified applicants available at the minimum rate, and/or (3) the qualified applicants refuse to accept the employment at the minimum rate.

***Section 5: Progression in the Salary Range.***

Regular employees shall be evaluated on a yearly basis. Employees may be eligible for a percentage increase, the range of which shall be determined annually by the Board of Commissioners. Employees may be evaluated on overall performance, and increases shall be calculated based on identified goals and outcomes which are determined by the employees and department heads and approved by the County Manager.

***Section 6: Failure to Perform Satisfactorily.***

An employee who fails to perform satisfactorily, whether during the annual review or during the advancement under the Job Standard Program to the Standard Job Rate, will be denied the scheduled salary increase. Appropriate disciplinary action may be taken by the department head in accordance with Article VIII of this policy. Employees who have advanced to the Standard Job Rate will be required to perform at a satisfactory level or may be subject to disciplinary action.

***Section 7: Delay of Performance Evaluation.***

If an employee has had prolonged absence from work, which is classifed as three or more months, due to sick leave, leave without pay, Worker's Compensation, or any authorized leave, the department head may request from the County Manager an extension for the employee's annual performance evaluation review. The purpose of the extension is to allow adequate time for the evaluation of performance. The employee's anniversary date will not be affected by this action.

***Section 8: Payment at a Listed Rate.***

**A.** Employees covered by the pay plan shall be paid at a listed rate within the salary range that is established for their respective job class. This does not include employees in a "trainee" status or employees whose current salaries are above the established maximum rate, after the transition to a new pay plan.

**B.** When an employee reaches the maximum rate of a salary range for his/her present position, no further salary increase will be received unless:

  **1.** The position is reclassified,

  **2.** The employee is promoted to another position with a higher salary range, or

  **3.** The maximum rate of the salary range for the present position is increased.

***Section 9: Trainee and Work-Against Salaries.***

**A.** An applicant who is hired or an employee who is promoted to a position in a higher class, who does not meet all the established requirements of the position, shall be appointed to the position with the approval of the Appointing Authority as follows:

  **1.** Employees subject to the State Personnel Act (SPA) will be designated as "trainees" or "work-against" in accordance with the rules and regulations established by the Office of State Personnel.

  **2.** All other county employees shall be designated as "trainees" based upon the recommendation of the department head and approval of the County Manager.

**B.** An employee in a "trainee" status shall continue to receive a reduced salary that is at least one dollar below the hiring rate of the fully qualified position until the appointing department head and County Manager determine that the "trainee" employee is fully qualified to assume all the responsibilities of the position.

**C.** Employees on "trainee" status are eligible to receive increases in accordance with the pay for performance system, as long as the employee's salary does not exceed one dollar below the hiring rate of the grade to which the fully qualified position is assigned.

**D.** Employees who have completed their "trainee" or "work-against" status will be paid the hiring rate of the grade to which the fully qualified position is assigned.

***Section 10: Pay Rates in Promotion, Demotion, Transfer, and Reclassification.***

**A.** When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established in accordance with the rules listed below. The new rate of pay shall take effect on the first day of the approved personnel action.

**B.** When a promotion occurs:

1. If the employee's current salary is below the new hiring rate, the salary shall be increased to the hiring rate of the salary range of the class to which he/she is promoted.
2. If an employee's current salary is above the new hiring rate, his/her salary may be adjusted 2% upward, provided that the adjusted salary does not exceed the maximum rate of the assigned salary range.

**C.** When a demotion occurs:

1. As a result of a reclassification, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range, if the employee's current salary falls above the maximum of the range for the lower class.
2. For cause or if an employee accepts a demotion voluntarily, the employee's current salary may be reduced to any level in the lower salary range, that does not fall below the minimum salary rate of the range.

**D.** When a transfer occurs from a position in one class to a position in another class that is assigned to the same pay grade, the employee shall continue to receive the same salary.

**E.** When a reclassification occurs and an employee's position is reclassified to a class with a higher salary range, the employee's salary shall be increased 2% above the hiring rate of the new salary range. If the employee's current salary is already equivalent to or 2% above the hiring rate, his/her salary may be adjusted 2% upward, provided that the adjusted salary does not exceed the maximum rate of the assigned salary range.

***Section 11: Pay Rates in Salary Range Revisions.***

**A.** If the Board of Commissioners approves a change in the salary range for a class of positions, the salaries whose positions are in that class shall be affected as follows:

1. When a class of positions is assigned to a higher pay range, employees in that class may receive a pay increase of 2% above the hiring rate or 2% of their current salary, whichever is higher.
2. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of the employee shall be maintained at that level until the employee's salary range is increased above the employee's current salary.

***Section 12: Pay for Part-Time Work.***

Employees who are appointed to work less than a full-time workweek shall receive pay on an hourly basis.

***Section 13: Overtime.***

**A.** The county abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The county will properly record all applicable overtime accrued for each covered employee. This overtime policy is only applicable to Chatham County employees who are non-exempt under the Fair Labor Standards Act.

**B.** Employees are expected to work during all assigned periods except for meal times. Employees are not to perform work during meal times or at any time that they are not scheduled to work, unless they receive approval from their immediate supervisor or in cases of emergency. An emergency is a condition that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who

work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical, after completing the work.

**C.** It is the policy of the county that non-exempt employees, as defined by the Fair Labor Standards Act, receive compensatory time off at a rate of one-and-one-half (1-1/2) hours for each hour of overtime worked. The county shall pay non-exempt employees for overtime worked when either:

1. The employee accumulates more than 240 hours of compensatory time as provided in the FLSA, or
2. It is not feasible to grant the compensatory time off and meet the county's work requirements.

**D.** Overtime Hours worked after April 15, 1986:

1. Non-exempt employees who work in public safety activities, emergency response activities, or seasonal activities may not accrue more than 480 hours of compensatory time for overtime hours worked.
2. All other non-exempt employees may not accrue more than 240 hours of compensatory time for overtime hours worked.

**E.** Employees wishing to use accrued compensatory time must give a written request to their immediate supervisor. Use of this time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the county.

**F.** Employees required to carry electronic devices and respond to situations outside their normal working hours will be compensated based on a rate established by the Board of Commissioners.

**G.** If the employee separates from service, the payment for accumulated compensatorytime shall not exceed thirty (30) days or 240 hours.

**H.** The estate of an employee who dies while employed by the county shall be entitled to a payment for all of the accumulated compensatory time credited to the employee's account. This payment may not exceed thirty (30) days or 240 hours.

***Section 14: Payroll Deductions.***

Federal and state income taxes, Social Security tax, and retirement contributions shall be deducted as authorized by federal, state, or local law; court order; or the Board of Commissioners. Any other payroll deduction must be approved by the Board of Commissioners.

***Section 15: Payroll Procedure.***

Employees shall be paid every two weeks. If the payday falls on a holiday, employees will be paid on the last working day before the nonworking holiday.

***Section 16: Effective Date of Salary Adjustments.***

Salary adjustments shall become effective on the first date of the approved salary adjustment.

## Article IV: Recruitment and Selection.

***Section 1: Statement of Anti-Discrimination and Equal Employment Opportunity.***

Chatham County is fully committed to equal employment opportunity (EEO) principles, and issues this anti-discrimination/EEO compliance clause to support and maintain employee's rights and responsibilities relating to equal employment. The core of equal employment opportunity is the right to work and advance on the basis of merit, ability, and potential, free from prejudice or discrimination. In accordance with the applicable anti-discrimination statutes, executive orders, and other authorities, Chatham County protects employees against discrimination, to the fullest extent of law, on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, marital status, political affiliation, whistleblower activity, parental status, and military service (past, present, or future), and against retaliation for participation in EEO activity or opposition to discrimination.

***Section 2: Recruitment.***

The Human Resources Director is responsible for an active recruitment program that meets current and projected staffing needs. The Director will use procedures to ensure equal employment opportunities based on job-related requirements.

***Section 3: Position Vacancy Announcements.***

**A.** All position vacancy announcements, except for State Personnel Act (SPA) vacancies, shall be posted for a minimum of seven (7) working days at the Human Resources Office and/or the local Employment Security Commission Office. Position vacancies shall also be advertised once (1) in a local newspaper. Optional recruiting publicity, as appropriate, shall be carried out through the media. Each posted announcement shall contain all of the information listed below; advertisments must only include items 1 and 6:

1. The title, grade, and location of the position;
2. The closing date of the announcement;
3. A summary of the duties of the position;
4. A summary of the basic qualifications;
5. The procedures for submitting an application;
6. A statement of equal employment opportunity; and
7. The physical requirements of the job.

**B.** All SPA vacancies must be posted inside their respective agencies or departments for a period of seven (7) working days. At any time during this period, the recruiting methods set forth in Section A above may be followed. If this time period expires and the position has not been filled, the recruiting methods set forth in Section A shall be followed.

***Section 4: Application for Employment.***

**A.** Submitting Applications

1. All persons interested in filling a vacant county position, except for SPA vacancies, shall file an application for employment through the Human Resources Office or other designated agency, such as the Employment Security Commission. Applications may not be accepted by the agency or department itself and all referrals must be made through the Human Resources Office or other designated agency.
2. All persons interested in filling a vacant SPA position must apply through the Employment Security Commission or department itself, such as the Health Department or Social Services Department.

**B.** All applications, except for SPA positions, shall be kept in a reserve file for a period of one year, in accordance with the Equal Employment Opportunity Commission guidelines. As vacancies occur during this year, an applicant in the reserve file may notify the Human Resources Director and request that his/her application be considered for vacancies. In this case, a new application will not be required.

**C.** Applications will only be accepted for vacant positions.

***Section 5: Applicant Tracking.***

**A.** The Human Resources Director, or a designee, shall be responsible for maintaining records of all position vacancy announcements, including the posting and closing dates, and all optional referral sources used in the recruitment process.

**B.** The Human Resources Director, or a designee, shall also be responsible for maintaining records on the pool of applicants considered for each vacancy; this does not apply to SPA positions.

1. The applicant pool data for each vacancy shall include an alphabetized listing of all applicants and test scores, when applicable.
2. The applicant pool data for each vacacy shall also include the Equal Employment Opportunity (EEO)-4 forms.

***Section 6: Qualification Standards.***

**A.** All applicants considered for employment or promotion shall meet the qualification standards established by the class to which the position is appointed. Qualification standards shall be reviewed periodically to ensure that requirements are fair and align with the actual job performance requirements.

**B.** All appointments shall be made on the basis of merit.

**C.** Consideration may be given to a "trainee" or "work-against" employee when there is an absence of qualified applicants from which to make a selection. In this instance, the employee's deficiencies must be eliminated within a predetermined period of time through orientation and on-the-job training. "Trainee" or "work-against" employees who do not meet minimum qualifications within the predetermined period may be subject to a transfer, demotion, or dismissal in accordance with Article VIII.

**D.** When qualified applicants are unavailable and there is no trainee provision for the vacant position, an appointment may be made below the level of the regular classification in a "work-against" appointment; this appointment will give the appointee an opportunity to gain the qualifications needed for the full class through on-the-job experience. The "work-against" appointment is only available for employees subject to the State Personnel Act and the appointee must meet the minimum education and experience requirements for the class to which the appointment was initially made. A "work-against" appointment will not routinely be made when applicants are available who meet the education and experience requirements for the full class of the position; exceptions must be fully justified to the Appointing Authority.

***Section 7: Selection.***

Department heads shall develop, use, and document on a consistent, routine basis, a selection process that best suits the county's needs to fill positions within their agency or department. All

selection methods developed and used by the department head shall be valid measures of the required job performance.

***Section 8: Appointments.***

**A.** It is the county's policy to create career opportunities for its employees when possible. However, other applicants who posses qualifications equal to those of the current employee may also be considered for a position.

**B.** Before any commitment is made to an applicant, except for those applying for SPA positions:

1. The department head shall forward the completed application form for the top three candidates, a recommendation concerning the salary to be paid, and the reasons for selecting the particular applicant over others to the County Manager. The Health Director, Social Services Director, Sheriff, and Register of Deeds shall have authority over appointments in their respective departments.
2. The County Manager shall, however, determine the class and starting salary of all employees, including SPA employees.
3. If the duties of the position include operating county-owned or county-insured vehicles, the department head will conduct a review of the driving record of the person to be hired. This record will become part of the employee's personnel file.
4. Employees, except those for the Sheriff's Office and Emergency Operations Center, hired after August 15, 2011 shall be subject to a pre-criminal history screening.

**C.** Before any applicant begins work, the Personnel Action Form, the application for employment, test score sheets (when applicable), and any additional supporting documents, including a candidate's qualification certification form (for positions subject to the State Personnel Act), shall be reviewed by the Human Resources Director. The Human Resources Director will be responsible for processing the Personnel Action Form and distributing it to the effected parties, including the Finance Office.

**D.** The Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, by marriage, of nearer kinship than first cousin, or of a person who has been convicted of a crime involving moral turpitude.

***Section 9: Probationary Period of Employment.***

**A.** An employee who is appointed to a regular position shall serve a probationary period of at least six months following his/her initial appointment. Any employee serving in a probationary period may be dismissed at any time during the probationary period with or without cause.

**B.** At the end of the initial six-month (6) period, the employee's performance will be evaluated in accordance with the county's performance evaluation system. Before completing the probationary period, the department head (except for the Sheriff and Register of Deeds) shall indicate in writing to the County Manager:

1. That the employee's supervisor has discussed the employee's progress, including his/her accomplishments, strengths, and weaknesses, with the new employee;
2. An indication of whether the new employee is performing satisfactory work, as determined through the use of the performance evaluation system;
3. An indication of whether the initial probationary period of six (6) months should be extended; and

4. An indication of whether the employee should be retained in the present position or should be released, transferred, or demoted.

**C.** Employees whose performance is standard or above standard have successfully completed the probationary period. Employees whose performance is below standard may be dismissed or required to serve an extended probationary period. The extended probationary period may not exceed three (3) months and may not be granted more than two (2) times; the total probationary period of any non-SPA employee may not exceed twelve (12) months. For SPA employees, the total probationary period shall not exceed nine (9) months.

**D.** All county employees, except for SPA employees, shall serve a probationary period when promoted to a new position, as set forth in this policy. If, at the end of the probationary term, it is decided that the employee cannot perform the duties of the position to which he/she has been promoted and this decision is based solely upon factors related to the employee's inability to perform duties specific to the new position, the employee shall not be dismissed if the employee's former position or a similar position is available to which he/she may be demoted. If the employee's former position or a similar position is not available, the employee may be dismissed. SPA employees are excluded from this because they shall only serve one (1) probationary period, which occurs after their initial appointment.

**E.** Following the successful completion of the probationary period, the employee may be dismissed only as provided in Article VIII.

***Section 10: Promotion.***

**A.** Candidates for promotion shall be chosen on the basis of their qualifications.

**B.** First consideration for filling:

1. Non-SPA positions shall be given to employees already in service with the county.
2. SPA positions shall be given to employees already serving in the SPA agency or department.

**C.** If a vacancy occurs and an employee wishes to be considered for the appointment, an application must be forwarded to the Human Resources Director or Appointing Authority during the recruitment period for the position.

**D.** If a current employee is chosen for promotion, the department head shall forward the request to the Appointing Authority with the recommendation for classification and salary, along with reasons for selecting the employee over other applicants. After considering the department head's recommendation, the Appointing Authority shall confirm or reject the appointment.

***Section 11: Demotion.***

**A.** An employee whose work is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in another position. A demotion for regular employees who have already successfully completed a probationary period shall be made according to the procedures in Article VIII.

**B.** An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the procedures in Article VIII of this policy. Employees may be subject to a reduced salary, consistent with the salary grade of the new position. Employees, except those subject to the State Personnel Act, may serve a probationary period that the employee, department head, and County Manager agree to in writing.

***Section 12: Transfer.***

**A.** If a vacancy occurs and an employee, who is eligible for transfer from another department wishes to be considered for the appointment, an application must be forwarded to the Human Resources Director, or designee, during the recruitment period for the position. The request for transfer shall be subject to the approval of the County Manager or other Appointing Authority.

**B.** Any employee who has successfully completed a probationary period may be transferred to any other position without serving another probationary period; this excludes a former non-SPA employee transferring into a SPA position. Employees, except those subject to the State Personnel Act, may serve a probationary period provided that he/she, the department head, and the County Manager agree to in writing.

***Section 13: Notice to Effected Departments.***

Whenever an employee is transferred, promoted, or accepts a voluntary demotion to another department, the department head to which the employee is transferring, being promoted, or accepting a voluntary demotion shall be responsible for notifying the department in which the employee is currently employed. This notification shall be done only after the Personnel Action Form has been approved by the Human Resources Director, or designee. The notice shall be given two (2) weeks before the transfer, promotion, or voluntary demotion takes effect, except for emergency situations which are determined by the County Manager or when consent is given by the department head of the department for which the employee is currently in.

## Article V: Conditions of Employment

***Section 1: Workweek.***

A. The standard workweek for most employees, except law enforcement, emergency medical service personnel, and telecommunications, shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Department heads shall work the hours necessary to ensure the satisfactory performance of their departments; department heads cannot work less than forty (40) hours per week.

B. When the activities of a particular department require another schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

***Section 2: Gifts and Favors.***

**A.** No Chatham County official or employee shall accept any gift, favor, loan, service, promise, or thing of value that may tend to influence that employee in the discharge of his/her duties.

**B.** No Chatham County official or employee shall grant any improper favor, service, or thing of value in the discharge of his/her duties.

**C.** Gratuities shall be refused by all county officials and employees.

***Section 3: Political Activity Restricted.***

**A.** Every Chatham County employee has a civic responsibility to support good government by every available means and in every appropriate manner.

**B.** Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of

civic or political organizations in accordance with the constitution and laws of the state of North Carolina and the constitution and laws of the United States of America.

**C.** However, while on duty, no Chatham County employee may:

1. Engage in any political or partisan activity;
2. Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
3. Be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
4. Coerce or compel another county employee to contribute for political or partisan purposes; or
5. Use county funds, supplies, or equipment for political or partisan purposes.

**D.** Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

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

***Section 4: Sexual Harassment.***

**A.** Sexual harassment, either physical or verbal, is a violation of the law and county policy. The intent of this section is to clarify Chatham County's position on the prevention, discovery, and remedy of sexual harassment in the workplace. It is the intent of Chatham County to maintain a workplace free of sexual harassment from any source. This section affirms the county's refusal to tolerate sexual harassment; informs managers, supervisors and other employees of performance expectations, guidelines, and possible penalties related to sexual harassment; and provides procedures for employees who believe they have been harassed.

**B.** This sexual harassment section applies to all officers and employees of Chatham County, including, but not limited to, full and part-time employees, elected officials, regular and temporary employees, volunteers, employees covered by or exempted from other personnel rules or regulations, and individuals working under contract for the County.

**C.** Sexual harassment is defined as unsolicited and unwelcome sexual advances; unsolicited and unwelcome requests for sexual favors; and other unsolicited and unwelcome verbal or physical conduct of a sexual nature, when:

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

**D.** Prohibited acts of sexual harassment can take a variety of forms, ranging from subtle pressure for sexual activity to physical assault. Some examples include, but are not limited to, the following:

1. Unsolicited and unwelcome conduct in the form of pinching, grabbing, patting, or propositioning;
2. Making either explicit or implied job threats or promises in return for submission to sexual favors;
3. Making sexually oriented comments on appearance, including dress or physical features;
4. Telling sexually explicit stories;

5. Displaying sexually explicit or pornographic material or pictures that may embarrass or offend employees in the workplace, regardless of the method of display;
6. Sexual assaults on the job by supervisors and fellow employees;
7. Jokes or remarks of a sexual nature made in front of people who find them offensive;
8. Use of sexually suggestive objects;
9. Prolonged staring or leering at a person;
10. Whistling so as to attract the attention of a person;
11. Continued invitations to social events outside the workplace, after being told such invitations are unwelcomed;
12. Use of offensive terms that have a sexual nature; and
13. Use of sexually degrading words to describe a person.

The sexual harassment policy has been violated when any of the foregoing conduct (1) influences employment decisions, (2) makes the job environment hostile, or (3) unreasonably interferes with work performance.

**E.** The purpose of the sexual harassment policy shall not be used to bring frivolous or malicious charges against employees or public officials. Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relationships freely entered into by employees or prospective employees.

**F.** This section will be distributed to all employees of the county. Every employee will be required to acknowledge his or her receipt of this section in writing. A copy of the acknowledgment shall be kept in the regular personnel file. Department heads and supervisors shall be responsible for ensuring that all employees under their direction are familiar with this section.

**G.** Procedures for Handling Sexual Harassment Issues:

1. Because behavior that may offend an employee may not be intended as harassment, it is encouraged that the employee, who believes he/she has been harassed, first tell the individual that the behavior is offensive and ask that the behavior stop. If the employee is not comfortable with confronting the individual responsible for the offending behavior, the employee should attempt to resolve the matter with the supervisor or department head most directly concerned, excluding the person accused of sexual harassment.
2. If any employee believes that he/she has been the subject of sexual harassment and if the direct resolution approach set out above (if appropriate) has failed to produce a result satisfactory to that person, then he/she may proceed through the appropriate grievance procedure as outlined in Article IX of this policy. If a complaint is resolved to the satisfaction of the grievant but not to the accused, the accused may proceed through the grievance procedure.
3. The employee should be prepared to provide the following information when reporting sexual harassment:
   a. Employee's (Complainant's) name, department, and position title;
   b. The name of the person or persons committing the sexual harassment, including their title/s, if known;
   c. The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the complainant as a result of the harassment, or any other threats made against the complainant as a result of the harassment;
   d. Witnesses to the harassment; and

e. Whether the complainant has previously reported such harassment and, if so, when and to whom.

**H.** When at all possible, the county encourages employees to follow the line of authority in reporting sexual harassment. If the County Manager or an elected official be named as an offending party, the County Attorney should be advised.

**I.** Employee Obligation:

**1.** Employees are not only encouraged but are obligated to report instances of sexual harassment. Internal interference, coercion, restraint, or reprisal against any person complaining of alleged sexual harassment is prohibited. Sexual harassment exposes the county to liability, and a part of each employee's job is to reduce the county's exposure to liability.

**2.** Employees are obligated to cooperate in every investigation of sexual harassment of which they have knowledge, including, but not limited to, the following:

a. Coming forward with evidence, whether favorable or unfavorable to a person accused of sexual harassment, and

b. Fully and truthfully answering questions during the course of a sexual harasment investigation.

**3.** All personnel shall maintain confidentiality about complaints to protect the parties involved. Information shall not be shared with anyone other than those involved in the investigation. All records placed in the personnel file are protected by the guidelines established in North Carolina General Statute 153A-98.

**J.** Based on the seriousness of the offense, employees determined to have violated this section shall be subject to disciplinary action set forth in Article VIII of this policy, including reprimand, suspension, involuntary transfer, demotion, and dismissal. Employees found to be in violation of this section shall have the same rights and obligations as other employees subject to disciplinary actions, as set forth in Article VIII of this policy.

***Section 5: Outside Employment.***

**A.** The work of the county takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's department head. Failure to notify the county of outside employment may be deemed improper conduct and may subject the employee to disciplinary action, up to and including, dismissal.

**B.** The department head and County Manager will determine whether the outside work creates a conflict of interest or is incompatible with county service.

**C.** The continuation of outside employement considered conflicting or improper, as determined by the department head and County Manager, will be deemed improper conduct and may subject the employee to disciplinary action, up to and including, dismissal.

***Section 6: Whistleblower Policy***

A. Chatham County is committed to operating in furtherance and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, employees, or volunteers. In compliance with 5 U.S.C. § 2302, this policy outlines a procedure for employees to report actions that an employee reasonably believes violates a law, or regulation or that constitutes

fraudulent accounting or other practices. This policy applies to any matter which is related to the County's business and does not relate to private acts of an individual not connected to the business of the County.

If an employee has a reasonable belief that an employee or the County has engaged in any action that violates any applicable law, or regulation or constitutes a fraudulent practice, the employee is expected to immediately report such information to the Human Resources and Risk Management Director. If the employee does not feel comfortable reporting the information to the Human Resources and Risk Management Director, he or she is expected to report the information to the County Manager.

All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, the County will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.

Chatham County will not retaliate against an employee in the terms and conditions of employment because that employee: (a) reports what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights. Such violations may include:

A. A gross mismanagement of a federal contract or grant;
B. A gross waste of federal funds;
C. An abuse of authority relating to a federal contract or grant;
D. A substantial and specific danger to public health or safety; or
E. A violation of law, rule or regulation related to a federal contract or grant.
F. Chatham County may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy

***Section 7. Limitation on Employment of Relatives.***

**A.** Immediate family, as referred to below, is defined in Article I, Section 3.

**B.** Restrictions on the Employment of Relatives

**1.** The employment of immediate family members of the designated Appointing Authorities, Finance Officer, and anyone employed in the County Manager's Office is prohibited.

**2.** No two (2) members of an immediate family shall be employed within the same department if the employment will result in:

**a.** One member supervising the other, or

**b.** One member occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations.

**C.** Employment of immediate family members in the same department is strongly discouraged even if it does not result in one member supervising the other or in one member occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations. In any case, employment of immediate family members within the same department requires the approval of the County Manager.

**D.** The provisions of this section shall not be retroactive. No action will be taken concerning members of the same family employed in conflict with Subsection A before the adoption of this policy.

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

***Section 8: Travel Expense and Reimbursement.***

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

**B.** Travel for official county business outside of Chatham County must be authorized by the department head.

**C.** County employees and officials traveling away from the county on official business will be reimbursed for mileage, lodging, meals, and other expenses, as established by the Board of Commissioners.

**D.** Employees and officials traveling on a reimbursable basis for the county will keep an accurate record of their expenses. Reimbursements will not be paid without a written travel claim signed by the employee and approved by the department head. The receipts for hotels, meals, and related travel expenses must be attached to the written claim to be reimbursed.

## Article VI: Holidays and Leave

***Section 1: Paid Holidays Observed.***

**A.** Chatham County follows the same holiday schedule as the State of North Carolina.

**B.** All employees appointed to full-time regular positions shall receive these holidays with pay, if they are regularly scheduled to work on the holiday or if they are scheduled to work on the holiday as a result of a set or specified rotation. Full-time regular employees who are not scheduled to work on the holiday will not receive the holiday with pay.

**C.** Regular part-time employees will also receive these holidays, provided that they are regularly scheduled to work on the day of the holiday. The amount of time for which the employee receives holiday pay will be equivalent to the number of hours the employee was scheduled to work on the holiday.

**D.** Employees who wish to use leave for other religious observances must request the leave from their immediate supervisor. The supervisor and department head will try to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for a religious observance may only be denied if granting the leave would create an undue hardship for the county.

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

Chatham County observed holidays that occur during an employee's or officer's vacation, sick, or other type of paid leave shall not be charged as vacation, sick, or other paid leave. The officer or employee shall receive holiday pay as described in Section 1 above.

***Section 3: Holidays—When Work Is Required.***

Exempt and non-exempt employees, other than department heads, who are required to work on regularly scheduled holidays shall be granted alternative holiday time off. The employee shall receive an alternative one (1) hour off for each hour worked on the holiday.

***Section 4: Adverse Weather Conditions.***

**A.** County offices and departments shall remain open for the full scheduled workday unless the County Manager's Office authorizes it for early closing or gives other directions. All departments and offices will be given sufficient notice in advance of any authorized early closing.

**B.** Employees will be required to use their earned vacation, compensatory, or petty leave for days or hours taken if they:

1. Leave work before the official early closing time,
2. Report to work late if there is no authorized closing or delay, or
3. Do not report for work at all if there is no authorized closing.

**C.** Working During Adverse Conditions

1. Law enforcement, emergency medical services, and emergency operations personnel will be required to operate on their regular shifts regardless of the weather.
2. Exempt and non-exempt employees, except department heads who are required to work during closings, will be given hour-for-hour alternative adverse weather time off for hours worked when their departments were officially closed.
3. Any employee who chooses to work, but is not required to work, when an authorized closing has been announced, shall not earn alternative time off.

***Section 5: Vacation Leave.***

**A.** Vacation leave shall be earned and accrued during the calendar year, which is the period of twelve (12) calendar months between January 1 and December 31. Each full-time regular salaried employee occupying a regularly established budgeted position shall earn vacation leave on a bi-weekly basis in accordance with the following schedule of total service:

1. Less than three years: Twelve (12) days per year, which is equal to 96 hours per year.
2. Three to six years: Fifteen (15) days per year, which is equal to 120 hours per year.
3. Six to twelve (12) years: Eighteen (18) days per year, which is equal to 144 hours per year.
4. Twelve to eighteen (18) years: Twenty-one (21) days per year, which is equal to 168 hours per year.
5. Eighteen years or more: Twenty-five (25) days per year, which is equal to 200 hours per year.

**B.** Part-time regular employees shall earn vacation leave on a prorated basis, which is also based on years of service.

**C.** Vacation leave may be accumulated without any maximum until December 31 of each calendar year.

1. On December 31, any employee with more than 240 hours of accrued vacation leave shall have the excess leave, over 240 hours, converted to sick leave. Converted sick leave shall be used in the same way as accrued sick leave and may be used -- for authorized sick leave purposes. Like regular sick leave, any unused converted sick leave

may be counted towards creditable service at retirement, up to a maximum of twelve (12) total sick leave days per year of service.

2. If the employee separates from service, the payment for accumulated vacation leave shall not exceed thirty (30) days or 240 hours.

**D.** Vacation leave shall be taken with the prior approval of the employee's immediate supervisor. A minimum of one hour of vacation leave shall be taken at any time. Additional vacation leave shall be taken in fifteen minute increments.

**E.** Any advanced vacation leave owed to the county shall be deducted from the employee's final compensation.

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

**G.** Vacation leave cannot be transferred to Chatham County from any other employer.

***Section 6: Sick Leave.***

**A.** Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners for the benefit of an employee.

**B.** Employees may be granted sick leave for an absence due to the following reasons, for which a doctor's certificate may be required:

1. Sickness or bodily injury that prevents the employee from performing his/her regular duties;
2. Medical or dental appointments;
3. The actual period of temporary disability caused by or contributed to pregnancy, miscarriage, childbirth, or recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability;
4. Exposure to a contagious disease when continuing to work might jeopardize the health of others; and
5. If a member of the employee's immediate family who may or may not reside regularly with the employee and who is dependent on the employee's care or assistance has any of the conditions listed above. Sick leave used for illness in the employee's immediate family may not exceed five (5) days or 40 hours in a calendar year.

**C.** Earning Leave

1. Each regular full-time employee, occupying a regularly established budgeted position, shall earn sick leave on a bi-weekly basis at a rate of one (1) day per calendar month.
2. Each part-time regular employee shall earn sick leave in proportion to the percentage of time the position is set to work.

**D.** Sick leave shall be cumulative for an unlimited number of days. At the time of separation any sick leave owed to the county shall be deducted from the employee's final compensation.

**E.** Approving Leave

1. Employees must notify their immediate supervisor of all sick leave requests before the leave is taken. The request may not be made after the beginning of the scheduled work day. Sick leave may be taken only with the immediate supervisor's approval.
2. The employee's department head or the County Manager may require a statement from a physician or other acceptable proof that the employee was unable to report for work, to approve the sick leave. At the end of an authorized sick leave period, the employee's department head or the County Manager may require a physical and/or mental

examination at the county's expense and by a physician of its choice, to determine if the employee is able to resume to his/her normal duties.

**F.** Sick leave, which is earned bi-weekly, may be counted as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees' Retirement System. One (1) month of credit is given for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days of unused sick leave left over.

**G.** Unused sick leave earned from another North Carolina government agency and/or entity will be accepted and transferred to the county if:

1. Verification of the accumulated sick leave is received in writing from the previous employer; and
2. The transfer is completed within one (1) year from the employee's first day of employment with the county.

**H.** No employee shall be paid for any accrued sick leave if he/she is terminated or resigns.

***Section 7: Family and Medical Leave.***

**A.** All employees who have worked for the county for at least one year and at least 1250 hours during the last twelve (12) months are eligible for family and medical leave.

**B.** The leave may be used for the following reasons and durations:

1. Because the employee has a serious health condition or chronic serious health condition that makes the employee unable to perform the functions of his/her position. Regular, probationary, and temporary employees, as defined above, may be granted up to twelve (12) weeks of leave without pay, within a twelve (12) month period. Regular employees may be granted an additional three (3) months of leave without pay, within the twelve (12) month period, only with the approval of the department head and County Manager; and
2. Because of the illness of an employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition or chronic serious health condition as defined by the Federal Family and Medical Leave Regulations. Regular, probationary, and temporary employees, as defined above, may be granted up to twelve (12) weeks of leave without pay, within a twelve (12) month period. Regular employees may receive an additional three (3) months of leave without pay, within the twelve (12) month period only with the approval of the department head and County Manager; and
3. For the birth or adoption of a child; the initial placement of a foster care child; child care after the child arrives, provided the leave is taken within a twelve (12) month period after the child arrives; and medical conditions caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom. Regular, probationary, and temporary employees, as defined above, may be granted up to twelve (12) weeks of leave without pay within a twelve (12) month period. Regular employees may receive an additional three (3) months of leave without pay within the twelve (12) month period, only with the approval of the department head and County Manager.

**C.** Regular, probationary, or temporary employees, who are eligible for leave without pay, may take the leave intermittently or as a reduced work schedule given the following circumstances:

1. When medically necessary because the employee has a serious health condition.

2. When medically necessary to care for the employee's child, spouse, or parent who has a serious health condition; or
3. For child birth and birth-related child care, for initial placement of a foster care child, or for adoption, only with the approval of the department head and County Manager;

When an employee is on a reduced work schedule, the time the employee does not work is counted against the time allowed under family and medical leave.

**D.** Forseen versus Unforseen Circumstances

1. For foreseeable circumstances, such as planned medical procedures, births, initial placement of a foster care child or adoption:
   - **a)** The employee shall apply for the leave in writing to the County Manager but submit the request to the department head at least thirty (30) days prior to the date in which the employee is requesting the leave to start.
   - **b)** The county may require the employee to temporarily transfer to an alternative available position for which the employee is qualified, that has equivalent pay and benefits, and that better accommodates the recurring periods of leave necessary.
2. For unforeseen circumstances, such as emergency medical treatments, the employee shall apply for the leave to the County Manager but submit the request to the department head as soon as possible.

**E.** Forms for Leave:

1. All employees are required to complete the US Department of Labor form entitled "Certification of Health Care Provider" before an employee is granted leave under the provisions of the Family Medical Leave Act. This form must be retained in the Human Resources Office.
2. All employees shall be issued the US Department of Labor form entitled "Employer Response to Employee Request for Family or Medical Leave."

**F.** Returning to Work:

1. The employee is obligated to return to work within or at the end of the period for which the leave was granted. Upon returning to work after being on family and medical leave, the employee shall be entitled to return to the same position held at the time leave was granted or to a position of comparable classification, seniority, pay, benefits and terms of employment.
2. If the employee decides not to return to work, the department head should be notified immediately. The department head shall report this decision to the Appointing Authority.
3. Failure to report appropriately at the expiration of family and medical leave, shall be considered a voluntary resignation.

**G.** Effect on Benefits:

1. An employee shall retain all unused vacation, sick, and petty leave while on family and medical leave. Unused petty leave will be lost at the end of a calendar year.
2. An employee continues to earn leave credits while on family and medical leave until all accrued leave is exhausted.
3. The county shall maintain coverage for the employee under the county's group health and dental plan. The coverage will be provided for up to twelve (12) weeks of leave at no cost to the employee. If the family and medical leave is extended beyond twelve (12) weeks, the employee can pay their own premiums through COBRA. If the employee desires to continue coverage for dependents, premiums must be paid to the county by the 25th of the month before the actual month of coverage. The county shall recover the premiums if

the employee does not return to work after the period of leave to which the employee is entitled has expired.

**H.** The period of family and medical leave shall begin the first day the employee is absent from work for the conditions set forth in Subsection B of this article, even if the employee is concurrently taking another type of leave.

1. For the employee's illness, the employee shall use all available accrued leave before going on family and medical leave without pay;
2. For the illness of an employee's child, spouse, or parent, the employee shall use all available accrued leave before going on family and medical leave without pay;
3. For the birth of a child, the employee may choose to exhaust any available accrued leave, use any portion of available accrued leave, or go on family medical leave without pay which applies to both parents; and
4. For the adoption of or initial placement of a foster care child, the parents may choose to exhaust any available accrued leave, use any portion of accrued leave, or go on family and medical leave without pay.

**I.** Documentation for Leave:

1. The county may require that a serious illness of the employee or the employee's child, spouse, or parent be supported by a doctor's certification. This certification should include the following:
   a. The date which the serious health condition began;
   b. The expected duration of the condition;
   c. The appropriate medical facts regarding the condition;
   d. Either a statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed, or, a statement that the employee is unable to perform the functions of the position depending on which is applicable; and
   e. For intermittent leave because of planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatments.
2. If the county has reasonable doubt about the validity of the certification, the county may require the employee to get a second opinion from a doctor designated and approved by the county. If the second opinion differs from the original opinion, the agency may require the employee to get a third opinion from a doctor who is designated and approved jointly by the employer and employee. The third opinion is final and binding on the county and employee. The county will incur any expense of the second and third certification and recertification.
3. The county may require reasonable proof of adoption, if an employee is taking leave for an adoption.

***Section 8: Other Leave without Pay.***

**A.** Short-term leave without pay may be granted, by a department head, to a regular or probationary employee who needs to be absent from work but has insufficient accumulated leave. The purpose of this leave is to allow employees to take time off for personal or family circumstances of a serious and unavoidable nature. The purpose is not to extend the amount of vacation leave available to employees. This leave may not exceed two (2) weeks within one calendar year and during this period, the employee will not be entitled to any benefits, as outlined in Articles VI and VII. The employee may be eligible to stay on the county's

insurance rather than selecting COBRA; however, the employee will be responsible for reimbursing the county for any premiums.

**B.** An extension of leave without pay may be granted, by the department head, to regular employees who do not meet the hours and/or years of service requirements of family and medical leave, but who do meet the conditions under which family and medical leave is granted as outlined in Article V, Section 8. The total amount of leave without pay granted under this section shall not exceed eight (8) weeks. During this period, the employee will not be entitled to any other benefits, as outlined in Articles VI and VII. The employee may be eligible to stay on the county's insurance rather than selecting COBRA; however, the employee will be responsible for reimbursing the county for any premiums.

***Section 9: Educational Leave.***

**A.** A leave of absence may be granted to an employee to take courses of study that will better prepare the employee to perform his/her duties for the county. This leave shall be granted only after a written agreement is signed stating that the employee will remain employed with the county for at least one (1) year after completing the educational leave. This leave is based on the recommendation of the department head and approval of the County Manager. This leave may not exceed ninty (90) calendar days and may be taken with full, partial, or no pay as described below.

1. For the employee to receive full pay, the courses taken during the leave must be directly related to the employee's current job responsibilities and must enhance the skills that the employee uses in his/her current job. An employee on educational leave with full pay will continue to earn leave credits and any other benefits that county employees are entitled to.
2. For the employee to receive partial pay, defined as fifty percent (50%) of the employee's current salary, the courses taken during the leave must enhance the employee's job skills giving the employee an opportunity to take on new responsibilities through a promotion or reclassification. An employee on educational leave with partial pay shall earn proportional leave credits and benefits to which he/she is entitled to. The employee may elect to pay the premiums for health and dental insurance under COBRA.
3. A leave of absence without pay may be granted to an employee for the purposes outlined in Subsection A of this Section. This leave may not exceed 180 calendar days and is based on the recommendation of the department head and approval of the County Manager. The impact of the employee's absence from the job must be evaluated against the impact of the additional education; the employee's absence cannot cause significant problems for the department and cannot result in additional expenses for the county. If granted educational leave without pay, the employee will not accrue leave or receive other benefits. The employee can choose to pay the premiums for health and dental insurance under COBRA.

**B.** Upon recommendation of the department head and approval of the County Manger, employees may use both educational leave with pay and without pay in sequence, provided the other conditions set forth in this Section are also met.

**C.** Any coursework which the county requires of the employee will be considered as time worked. The county will reimburse the employee for fees, books, and mileage, if the employee uses their personal vehicle.

**D.** After using educational leave with pay, without pay, or a combination of both, employees shall not be eligible for educational leave with or without pay for two (2) years, unless the educational leave is required by the county.

***Section 10: Worker's Compensation Leave.***

**A.** Worker's Compensation is defined as the coverage for all full-time and part-time employees for the medical expenses and time lost from work due to work-related injuries.

**B.** Coverage for Regular Employees

1. A regular employee who is absent from work because of a job-related sickness or disability is covered by the North Carolina Worker's Compensation Act and may receive worker's compensation benefits. The employee may choose to use accumulated vacation and sick leave to supplement the difference between the employee's regular salary and worker's compensation payments received under the Worker's Compensation Act. The combined total of the worker's compensation benefits and employee's use of accumulated vacation and sick leave shall not exceed an amount equivalent to the employee's salary.
2. All leave taken, that qualifies as worker's compensation, shall be counted against the employee's family and medical leave amount.

**C.** Temporary employees may be placed on family and medical leave and will receive all benefits to which he/she is entitled to under the Worker's Compensation Act. All leave taken, that qualifies as worker's compensation, shall be counted against family and medical leave.

***Section 11: Military Leave.***

**A.** An employee who is a member of the National Guard or the Armed Forces Reserve will be allowed ten (10) working days for military training each year; this leave is granted with full compensation. If military duty is required beyond ten (10) working days, the employee shall be eligible to take accumulated vacation leave or be placed on military leave without pay.

**B.** While on military leave with or without pay, the employee shall continue to accrue leave credits and other benefits as if the employee remained with the county.

**C.** Employees who are reservists have all job rights specified in the Uniform Services Employment Reinstatement and Reinvestment Act.

***Section 12: Emergency Volunteer Service Leave.***

**A.** Employees who are members of emergency volunteer service organizations may receive up to one (1) week of leave with pay in a twelve (12) month period, without charge to their accumulated leave, for absences that are required for their service to the emergency volunteer service organization.

**B.** This leave is based on the recommendation of the department head and approval of the County Manager. The employee must notify his/her immediate supervisor as soon as possible of his/her absence.

**C.** The county can request verification of the employee's volunteer service.

**D.** Factors that are considered when granting this leave are the:

1. Impact of the employee's absence upon the county,
2. Duration of the employee's absence from work,
3. Nature of the emergency, and
4. Importance of the employee's role in providing the emergency service.

**E.** The employee must notify his/her immediate supervisor of his/her absence as soon as possible.

**F.** If the emergency volunteer service leave is not granted, employees may request vacation leave, petty leave, or a combination thereof, with the approval of the employee's department head.

***Section 13: Court Leave.***

A county employee called for jury duty or as a court witness for the federal or state government or a subdivision thereof is entitled to leave with pay for the period of absence required. The employee is entitled to his/her regular compensation plus the fees received for jury duty.

***Section 14: Petty Leave.***

**A.** Each full-time regular county employee shall be allowed up to fourteen (14) hours of annual petty leave, with pay, in addition to the employee's designated sick and vacation leave. Each part-time regular county employee shall be allowed petty leave in proportion to the time he/she worked. Any employee hired after January 15 of the year shall receive a prorated share of petty leave for that year.

**B.** Petty leave may be granted for personal matters that cannot be transacted outside of office hours, time lost reporting to work, medical and dental appointments, and absences due to adverse weather conditions.

**C.** Petty leave may be taken in increments of fifteen (15) minutes but may not exceed three (3) hours. Any time taken above three (3) hours will be counted against the employee's vacation leave, sick leave, or leave without pay, as appropriate.

**D.** Petty leave shall be approved by the employee's immediate supervisor

**E.** Unused petty leave, at the end of the calendar year, will be forfeited.

***Section 15: Funeral Leave.***

Funeral leave may be granted for a death in the employee's immediate family. Funeral leave may not exceed three (3) days for any one occurrence. The employee shall notify his/her immediate supervisor of his/her need to take funeral leave before the leave is taken; this notification may not be given later than one (1) hour after the beginning of the workday. Additional leave, under exceptional circumstances, may be authorized by the department head but shall be charged against the employee's sick leave or vacation leave, as authorized.

***Section 16: School Activity Leave.***

**A.** Any parent, guardian, or other person standing "in loco parentis" of a school-aged child may be granted up to four (4) hours per year of unpaid leave to attend school activities. The following conditions will apply:

  **1.** The leave shall be taken at a mutually agreed upon time between the immediate supervisor and the employee;

  **2.** The supervisor may require the employee to provide a written request for leave at least forty-eight (48) hours before the time for which the leave is requested; and

  **3.** The supervisor may require that the employee have written verification from the child's school that the employee attended or was otherwise involved at the school during the time of leave.

**B.** For purposes of this section, "school" shall mean any public school; private church school, church of religious charter, or non-public school as defined in N.C. GEN. STAT. §95-283 that regularly provides a grade of school instruction; preschool; and child daycare facility as defined in N.C. GEN. STAT. § 110-86(3).

***Section 17: Voluntary Shared Leave.***

In cases of prolonged medical condition(s), an employee may apply for or be nominated to receive leave that is transferred from the vacation or compensatory leave accounts of other Chatham County employees. For purposes of this program, a medical condition means the medical condition of an employee or their spouse, parents, children or other dependents, including step and in-law relationships. This condition must require an employee's absence from work for a prolonged period, generally considered to be at least twenty (20) consecutive workdays. If an employee has had previous excessive absenteeism for the same condition or if the employee has had a previous, but different, prolonged medical condition within the last twelve (12) months, the county may make an exception to the twenty (20) day period.

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave, and therefore, be placed on leave without pay. Employees forced to go on leave without pay could be without income during one of the most critical points in their lives. It is recognized that fellow employees may want to voluntarily donate some of their accumulated vacation leave or compensatory time to provide assistance to other Chatham County employees. This program intends to provide an opportunity for employees to assist another employee affected by a medical condition that requires absence from work for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

Full guidelines, eligibility, and application requirements are detailed in the *Chatham County Voluntary Shared Leave Policy*

## Article VII: Employee Benefits

***Section 1: Insurance Benefits.***

**A.** If funds are made available and the insurance coverages are approved by the Board of Commissioners, the county will provide individual health, life, disability, and dental insurance to all regular employees who work at least thirty (30) hours per week. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts.

**B.** If an emloyee chooses, payroll deductions shall be allowed to provide hospitalization and dental insurance for dependents in accordance with the provisions of the insurance contracts.

***Section 2: Unemployment Compensation.***

County employees who are laid off or dismissed from county service may apply for unemployment compensation through the local Employment Security Commission office. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

***Section 3: Social Security.***

The county, to the extent of its lawful authority and power, shall extend Social Security benefits for eligible employees in accordance with the provisions of the Social Security Act.

***Section 4: Retirement Benefits.***

The county provides a retirement program for employees. The retirement program is provided through the North Carolina Local Governmental Employees' Retirement System. The program is funded through county and employee contributions which are required and change from time to time by the retirement system. All regular employees who work 1,000 or more hours in a year must participate in the retirement system.

***Section 5: Supplemental Retirement Income Plan of North Carolina.***

A. The 401(k) Plan, which is the Supplemental Retirement Income Plan of North Carolina, has automatic contributions by the employer for all participating members of the Local Government Employees' Retirement System. The contribution rate is set by the Board of Commissioners.
B. All law enforcement officers automatically become members of the State Supplemental Retirement 401(k) Income Plan on the date of hire.

***Section 6: Death Benefit.***

If an employee who has been a contributing member of the Retirement System for at least one (1) year dies while still in active service, the employee's beneficiary will receive a lump-sum payment equal to the employee's highest twelve (12) months' consecutive salary during the previous twenty-four (24) months. This amount may not be less than $25,000 or more than $50,000. This benefit may also be paid to the beneficiary if the employee dies within 180 days of the last day that he/she was paid a salary from the county.

***Section 7: Law Enforcement Officers' Separation Allowance.***

**A.** The county shall provide a special separation allowance to qualified officers who retire early or leave service early. The officer must meet all of the following qualifications:
   **1.** The officer must have either completed thirty (30) or more years of creditable service or be fifty-five (55) years of age and completed five (5) or more years of creditable service;
   **2.** The officer must not yet be sixty-two (62) years of age; and
   **3.** The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before the service retirement.

**B.** Payment of the separation allowance will stop if the officer:
   **1.** Reaches sixty-two (62) years of age,
   **2.** Dies, or
   **3.** Is re-employed by a local government employer in any capacity.

***Section 8: Employee Assistance Program.***

Chatham County makes available or provides Employee Assistance Programs (EAP). EAP is a referral program to provide assistance to all employees for counseling on family problems, alcoholism, marriage difficulties, financial trouble, stress, drugs, and depression.

***Section 9: Benefits—Other (Flexible).***

The employee may choose additional deductions or benefits. These options are made available to the employee under the provisions of the insurance contracts, and their cost shall be deducted from the employee's pay:

**A.** Miscellaneous insurance;
**B.** Deferred compensation plans (Section 457 of the Internal Revenue Code) -- Provides supplemental long-term retirement options;
**C.** FlexPlan, authorized by Section 125 of the Internal Revenue Code -- Allows employees to spend pretax dollars on insurance premiums and deductibles, uncovered health and medical expenses, and expenses for care of dependent children;
**D.** Payroll deductions for United Way contributions; and
**E.** Local Government Credit Union membership, direct deposit, and loan repayment through payroll deduction.

## Article VIII: Separation, Disciplinary Action, and Reinstatement

***Section 1: Types of Separation.***

All separations of employees from positions of service with the county shall be designated as one of the following:

**A.** Reduction in force,
**B.** Resignation,
**C.** Disability
**D.** Separation due to unavailability,
**E.** Dismissal,
**F.** Retirement, or
**G.** Death.

***Section 2: Reduction in Force.***

A. Reduction in force is the involuntary separation of an employee due to lack of work or funds or elimination of the employee's position due to reorganization. If a reduction in force occurs, the Appointing Authority involved and the Human Resources Director together shall determine the employee(s) affected by the reduction in force. The Human Resources Director shall determine and list all employees, subject to the authority or control of each Appointing Authority, serving in the same class throughout the county who are on that date listed as emergency, intermittent, temporary, probationary, or trainee employees. Furthermore, the Human Resources Director shall add to that list any position(s) which, on that date, is not filled or is being advertised within the same class which is affected by the reduction in force.
B. No permanent employee, subject to the authority or control of each Appointing Authority, shall be separated while there are unfilled positions or emergency, intermittent, temporary, probationary, or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the permanent employee is not willing to transfer to the position held by the non-permanent employee or the permanent employee does not have the knowledge and skills required to perform the work of the alternative position within a reasonable period of orientation and training given any new employee.
C. In the case where no emergency, intermittent, temporary, probationary, or trainee employees holds a position in the same class, the Appointing Authority shall use other factors to determine which employees shall be reduced, including a combination of:

1. Showing programmatic and organizational needs;
2. Performance and relative efficiency; and
3. Seniority.

D. The Appointing Authority shall advise and provide documented recommendations to the Human Resources Director as to those employees who shall be separated because of reduction in force.

E. Employees who are subject to a reduction in force have priority consideration for a period of one year for any position that becomes available if the employee is qualified. The person must submit an application to the Human Resources Department documenting their priority situation. Employees who are subject to a reduction in force are given at least two (2) weeks notice of the anticipated lay-off.

F. Involuntary separation occurs with the reduction in force of an employee due to lack of funds or elimination of the employee's position due to a reorganization. If a reduction in force occurs, severance shall be paid as follows:
   1. Permanent full-time and permanent part-time employees who qualify for benefits under the Local Governmental Employees' Retirement System shall be paid at the rate of two (2) weeks' pay for each full year of service to the county, up to a maximum payment equal to twenty-four (24) weeks. Any portion of a year's service to the county shall be paid at a prorated basis. An employee receiving severance pay shall not be eligible for reemployment with the county for the number of weeks calculated in the severance payoff, unless repayment is made in advance of reemployment for any severance in excess of the period of actual separation from the county.
   2. The following employees shall not be eligible for severance payment:
      a. Temporary or probationary employees;
      b. Any employee who is in a time-limited, grant-funded, or contract position;
      c. Any employee for whom the county has arranged comparable employment with a non-county agency; and
      d. Any employee who declines an offer of comparable employment by the county prior to his/her date of separation.

***Section 3: Resignation.***

A. All resigning personnel are requested to give two (2) weeks notice to their department heads.

B. Resigning department heads are requested to provide four (4) weeks notice to the County Manager.

***Section 4: Disability.***

An employee may be separated for disability if the employee cannot perform the required duties because of a physical or mental impairment. The disability separation may be initiated by either the employee or the county. In all cases, the disability separation shall be supported by medical evidence provided a competent physician. The county may require a physical and/or mental examination by a physician of its choice; the county would incur the cost of this exam. But before an employee is separated for disability, a reasonable effort shall be made to find an alternative position within the county's service that the employee may be suited for.

***Section 5: Separation Due to Unavailability***

In the event that an employee is unavailable to work for any reason, the employee may be dismissed. Failure to report for duty will be considered a voluntary resignation.

***Section 6: Disciplinary Actions.***

Failure in the performance of duties or failure in personal conduct may result in the following disciplinary actions. These actions are listed in order of severity:

**A.** Letter of reprimand: This letter will be placed in the employee's personnel file. The letter may be used for future personnel decisions by the county, such as decisions involving performance evaluations, pay increases, and promotions. The letter may also be used to support future decisions regarding disciplinary action against the employee.

**B.** Disciplinary suspension without pay:

  **1.** FLSA non-exempt employees: The suspension may not be less than one (1) full workday or more than two (2) full workweeks.

  **2.** FLSA exempt employees: The suspension may not be less than one (1) full workweek or more than two (2) full workweeks.

**C.** Involuntary transfer: The reassignment of an employee from one position or department to another position or department, without his/her agreement in which the employee's former position and his/her new position are classed similarly and the salary range for the two positions is the same.

**D.** Demotion: The reassignment of an employee to a position or classification with a lower salary range than the position or classification that the employee was in.

**E.** Dismissal: The removal of an employee from his/her position of service.

***Section 7: Failure in Performance of Duties***

**A.** Written Warnings: An employee who receives a disciplinary action for unsatisfactory performance of duties shall receive at least two (2) warnings before another disciplinary action is taken.

  **1.** Two warnings:

    a. The first written warning must be issued by either the employee's supervisor or department head. This warning shall specify the employee's performance deficiencies, the steps required to achieve satisfactory performance, and the time frame in which the performance must reach a satisfactory level. Oral warnings may or may not be given before the first written warning.

    b. The second written warning must be issued by the department head. This final written warning informs the employee that corrective action must be taken immediately to avoid further disciplinary action.

  **2.** The two progressive warnings shall only concern unsatisfactory performance of duties. These warnings do not have to concern the same issue of unsatisfactory performance

**B.** If performance still does not improve after the final written warning is given, the supervisor shall notify the department head of his/her recommendation for another disciplinary action. The department head shall investigate the supervisor's recommendation, decide on his/her recommendation, and make a recommendation to the Appointing Authority regarding the disciplinary action to be taken, which is in accordance with Section 9 of this article. If the employee's immediate supervisor is the department head, this step is not necessary.

**C.** Failure in the performance of duties which are considered adequate grounds for discipline include, but are not limited to:
   **1.** Inefficiency, negligence, or incompetence in the performance of duties;
   **2.** Careless, negligent, or improper use of county property or equipment;
   **3.** Physical or mental incapacity to perform duties;
   **4.** Discourteous treatment of the public or other employees;
   **5.** Absence without approved leave;
   **6.** Habitual improper use of leave privileges; and
   **7.** Habitual pattern of failure to report for duty at the assigned time and place.

***Section 8: Failure in Personal Conduct.***

**A.** Disciplinary actions for personal miconduct may be taken without prior warnings in order to:
   **1.** Avoid undue disruption of work,
   **2.** Protect the safety of persons or property, or
   **3.** For other serious reasons.

**B.** Causes relating to failure in personal conduct includes, but are not limited to:
   **1.** Fraud in securing appointment;
   **2.** Conduct unbecoming of a public officer or employee;
   **3.** Conviction of a felony or misdemeanor or a plea of "no contest" to either that would adversely affect performance of duties;
   **4.** Misappropriation of county funds;
   **5.** Falsification of county records for personal profit or to grant special privileges;
   **6.** Reporting to work under the influence of alcohol, narcotic drugs, or other controlled substances for which the employee does not have a current prescription, or partaking of such things while on duty or while on public property;
   **7.** Willful damage or destruction of property;
   **8.** Willful acts that would endanger the lives and property of others;
   **9.** Acceptance of gifts in exchange for favors or influence;
   **10.** Incompatible employment or conflict of interest; and
   **11.** Violation of political activity restrictions.

***Section 9: Procedure for Taking Disciplinary Action.***

**A.** Written Notice
   **1.** Before any disciplinary action as defined in Section 6 of this Article is taken, whether for misconduct or unacceptable performance, the department head shall provide the employee with a written notice of the proposed disciplinary action. This notice shall include:
      **a.** The nature of the proposed action,
      **b.** Its recommended effective date,
      **c.** The reason(s) for the action, and
      **d.** A date and time for a pre-disciplinary conference.

      A copy of this written notice shall be forwarded to the Appointing Authority. If the County Manager is not the Appointing Authority, he/she shall be notified of any proposed disciplinary action.

**B.** Pre-Disciplinary Hearing and Notice of Decision

1. The Appointing Authority shall make the determination if additional people, besides the employee and Appointing Authority, shall be present at the pre-disciplinary conference. The employee will be notified in writing before the conference if additional people will be present.
2. At this conference the employee may present any response to the proposed disciplinary action to the Appointing Authority.
3. The Appointing Authority will consider the employee's response, if any, to the proposed disciplinary action. The Appointing Authority will notify the employee in writing of the final disciplinary action decision within three (3) working days of the pre-disciplinary conference. The notice of the final disciplinary action shall state the reason(s) for the action and the employee's appeal rights. If the County Manager is not the Appointing Authority, he/she will also be provided with a written notice of the action taken.

***Section 10: Procedural Suspensions.***

**A.** Procedural suspensions are not disciplinary in nature, since they are given with pay. The purpose of these suspensions is to give the county time to investigate allegations or other matters involving an employee or to avoid disrupting the workplace while protecting the safety of county employees and property.

**B.** Immediate Suspension:

1. An employee may be immediately suspended with pay without notice by the department head for personal misconduct actions. Immediate suspension shall be done to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.
2. When a department head suspends an employee without notice, the employee shall be required to leave county property at once and remain away until further notice. An employee who refuses to leave will be considered a trespassor and may be arrested.
3. The department head shall immediately notify the County Manager of the suspension.
4. A written summary of the circumstances and the facts leading to the immediate suspension shall be prepared. One (1) copy shall be delivered to the employee by certified mail, one (1) copy shall be filed in the employee's personnel file, and one (1) copy shall be filed with the County Manager.
5. The department head shall initiate the appropriate disciplinary action within fourteen (14) days.

**C.** Investigatory Suspension:

1. Investigatory suspension with pay may be used if determined necessary by the Appointing Authority. Investigatory suspensions may be used to:
   - **a.** Provide time to investigate, establish facts, and reach a decision concerning an employee's status.
   - **b.** Provide time to schedule and hold a pre-disciplinary conference.
   - **c.** Avoid undue disruption of work or to protect the safety of persons or property.
2. An investigatory suspension with pay shall not exceed thirty (30) calendar days. If no action has been taken by management at the end of thirty (30) calendar days, the employee must be reinstated or an appropriate disciplinary action, based on the results of the investigation, must be taken.

3. Investigatory suspension of an employee shall not be used to delay an administrative decision of an employee's work status, pending the resolution of a civil or criminal court matter involving the employee.

***Section 11: Employee Appeal.***

An employee wishing to appeal a reprimand, demotion, involuntary transfer, suspension, or dismissal may do so through the grievance procedure prescribed in Article IX of this policy.

***Section 12: Reinstatement.***

**A.** An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within three (3) years of the date of separation. This reinstatement may only be done with the approval of the department head and the Appointing Authority. An employee who is reinstated shall be credited with previous service and previously accrued sick leave. This employee shall also accrue leave at the same rate as before he/she resigned or was separated.

**B.** An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law. An employee who is reinstated shall be credited with previous service and previously accrued sick leave.

## Article IX: Grievance Procedure

***Section 1: Purpose.***

The grievance procedure provides an adequate and fair means for county employees to express themselves on matters of concern.

***Section 2: Coverage.***

A grievance is defined as a claim or complaint of an event or condition which adversely affects the circumstances under which an employee works, allegedly caused by the misinterpretation, unfair application, or lack of an established policy pertaining to employment conditions. A grievance may involve allegations of safety or health hazards; unsatisfactory physical facilities, surroundings, materials or equipment; unfair or discriminatory supervisory or disciplinary practices; unjust treatment by fellow workers; unreasonable work quotas or any other inequity relating to conditions of employment. The grievance procedure applies to all departments and all full-time and part-time regular employees of the county.

The grievance procedure is not allowed for investigatory suspensions, voluntary demotions or oral warnings. This does not, however, prevent or preclude any individual from pursuing other legal remedies for grievance issues covered in this policy.

***Section 3: Policy.***

Every employee shall have the right to present a grievance, without interference, coercion, restraint, discrimination, penalty, or reprisal, according to these procedures. Employees will be granted time off with pay from their regular duties as may be necessary and reasonable to prepare and present a grievance; the time off shall be determined by the department head or Appointing Authority.

***Section 4: Procedure.***

**A.** Step One

1. An employee must file a written grievance with his/her immediate supervisor within thirty (30) days of the incident leading to the grievance.
   - **a)** If the employee alleges sexual harassment by the immediate supervisor, the employee may file the complaint with the Human Resources Director, as set forth in Article V, Section 4.
   - **b)** If the grievance concerns an appeal of a dismissal, it shall be filed directly with the Appointing Authority at Step Three.
2. The immediate supervisor shall meet with the employee within five (5) working days of receiving the grievance to try to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance within five (5) working days, following the meeting.
3. If the immediate supervisor believes a grievance is without merit, the immediate supervisor may request a summary judgment to determine whether the grievance can proceed to future steps. A request for summary judgment must be filed with the Human Resources Director within five (5) working days following the immediate supervisor's written decision. The Human Resources Director shall meet with the supervisor and the employee, who is filing the grievance, to determine whether the grievance is with or without merit; the Human Resources Director shall issue a written decision within ten (10) working days.
   - **a)** If the decision is that the grievance is without merit, the grievance shall not proceed to future steps.
   - **b)** If the decision is that the grievance has merit, the grievance shall proceed to Step Two.

   Summary judgment shall not be available in instances where discrimination is alleged.

**B.** Step Two

1. If the employee is dissatisfied with the response at Step One and the Human Resources Director has not declared it without merit, the employee may file the written grievance with the department head within five (5) working days of receiving the immediate supervisor's written decision.
2. The grievance shall state concisely the basis for the complaint and requested action and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, nondisqualifying handicap, or age.
3. The department head shall meet with the employee within five (5) working days of receiving the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance.
4. The department head shall issue a written decision, within ten (10) working days of meeting with the employe.

**C.** Step Three

1. If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to either the County Manager or corresponding Appointing Authority (Sheriff, Register of Deeds, Health Director, Social Services Director) within five (5) working days of receiving the Step Two decision.

2. The employee may request a decision from the Appointing Authority directly or may request a hearing before the Personnel Advisory Committee with a recommended decision by the committee.
   a. If the employee requests a decision directly, the County Manager or other Appointing Authority will render a written decision within fifteen (15) days of receiving the grievance.
   b. If the employee or the Appointing Authority requests the services of the Personnel Advisory Committee, the procedures as set forth in Section 5 of this article will apply.

***Section 5: Personnel Advisory Committee.***

**A.** Role and Composition
1. The Personnel Advisory Committee has the authoirty to hear employees grievances and make recommendations to the Appointing Authority of the grieving individual.
2. The Personnel Advisory Committee is made up of five (5) unbiased and disinterested people who are designated by the Board of Commissioners. The Committee is made up of: one (1) representative of Dispute Settlement or other mediation organization, two (2) non-supervisory county employees, and two (2) supervisory county employees. If the grievance involves a hate or bias issue, a representative from the Chatham County Human Relations Committee shall also be on the Board. There shall be alternatives for county employees who are appointed to the Committee in case a grievance involves that committee member or his/her department.

**B.** Any employee or Appointing Authority may request a grievance hearing, which shall be transcribed or recorded.

**C.** The hearing shall be conducted within thirty (30) days from which the hearing is requested and shall be conducted during regular working hours of the county. The Personnel Advisory Committee, the grievant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. The hearing shall be conducted by the chairperson of the committee.

**D.** The Personnel Advisory Committee shall submit its recommended decision to the County Manager or other Appointing Authority within fifteen (15) days of the hearing.

***Section 6: Final Decision on the Grievance.***

**A.** After receiving the recommendation of the Personnel Advisory Committee, the County Manager or Appointing Authority shall consider the recommendation, make a final decision, and inform the employee and the department head, in writing, of the final decision. The County Manager shall be considered the Appointing Authority for department heads, except for those elected by the people or whose appointment is otherwise provided by law. The final decision will be furnished within ten (10) days of receiving the Personnel Advisory Committee's recommended decision.

**B.** After receiving the recommendation of the County Manager or Appointing Authority:
1. Non-SPA employees cannot make further appeals.
2. Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal suspensions, demotions, and dismissals to the State Personnel Commission through the Office of Administrative Hearings. This hearing shall be made within thirty (30) days after receiving notice of the Appointing Authority's decision, provided that the employee has obtained career status in accordance with the

rules and regulations of the State Personnel Commission. [For employees hired on or after August 19, 2007 or those currently in a probationary status on August 19, 2007, career status is defined as twenty-four (24) months of consecutive service with Chatham County in a position governed by the State Personnel Act (N.C.G.S. 126).] The decisions of the State Personnel Commission shall be binding in the appeals of local employees, who are subject to the State Personnel Act, if the commission finds that the employee has been subject to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

***Section 7: Maintenance of Grievance Records.***

All grievance documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the Human Resources Director. These records will be confidential and subject only to review by the grievant, the employee's department head, and the County Manager or other Appointing Authority.

***Section 8: Other Remedies Preserved.***

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

## Article X. Personnel Records

***Section 1: Personnel Records Maintenance.***

Personnel records that are necessary for the proper administration of the personnel system will be maintained by the Human Resources Director. SPA records will be maintained by the SPA agency/department. The county shall only maintain information that is necessary and relevant to accomplishing legitimate personnel administrative needs in the personnel file.

***Section 2: Information Open to the Public.***

Only the following information on each county employee is public information:

**A.** Name;
**B.** Age;
**C.** Date of original employment or appointment to county service;
**D.** The terms of any contract by which the employee is employed whether written or oral, past or current, to the extent that the county has the written contract or a record of the oral contract in its possession;
**E.** Current position;
**F.** Current salary;
**G.** Date and amount of each increase or decrease in salary with that county;
**H.** Date of each promotion, demotion, transfer, suspension, separation, or other change in position classification;
**I.** Date and general description of the reasons for each promotion with that county;
**J.** Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by that county. If the disciplinary action was a dismissal, a copy of the written notice of the final

decision of the county setting forth the specific acts or omissions what are the basis of the dismissal; and

**K.** The office to which employee is currently assigned.

***Section 3: Access to Personnel Records.***

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

***Section 4: Confidential Information.***

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

**A.** The employee or his/her duly authorized agent can examine all portions of the employee's personnel file, except:
   1. Letters of reference solicited before employment, and
   2. Information concerning a medical disability, mental or physical, that a prudent physician would not disclose to a patient.

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

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

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

**E.** An agency official of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file. These entities may view the information if it is deemed necessary and essential for a proper function of the inspecting agency; the person having custody of the file determines if it is necessary and essential. No information shall be revealed for the purpose of assisting in a criminal prosecution of the employee or for assisting in an investigation of the employee's tax liability.

***Section 5: Remedies of Employees Objecting to Material in File.***

An employee who objects to any documentation in his/her file may place a statement, relating to the document that the employee considers to be inaccurate or misleading in the file. The employee may try to remove the document according to the grievance procedure.

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

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information in an employee personnel file may be judged guilty of a misdemeanor and if convicted can be fined an amount less than five hundred dollars ($500.00). This does not pertain if expressly authorized by the designated custodian.

***Section 7: Destruction of Records.***

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C. GEN. STAT. §121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and if convicted will be fined between ten dollars ($10.00) and five hundred dollars ($500.00) as provided in N.C. GEN. STAT. §132-3.