CALDWELL COUNTY
LOCAL GOVERNMENT EMPLOYEE
PERSONNEL ORDINANCE

July, 1, 1995
Amended August 21, 2000
Amended January 1, 2003
Amended July 21, 2003
Amended May 17, 2004
This booklet has been prepared for you. Its purpose is to give you information concerning the personnel policies of Caldwell County and the benefits the County provides you as an employee. Personnel policies change from time to time, and as changes occur, you will be provided with replacement or supplement sheets to keep your booklet up-to-date.

The information contained here is intended to answer questions you may have concerning your job and point out your responsibilities as an employee of the County and its citizens. You should read this booklet carefully and familiarize yourself with its contents. You will also want to keep it in a convenient location for reference.

Now that you are an employee, you have a direct responsibility to the citizens of Caldwell County. The public is your employer and your work and conduct will always be subject to public scrutiny and your contacts with citizens will often be the basis upon which Caldwell County is judged. Your job with Caldwell County is important. The citizens of this county are relying on you for efficient and courteous service.

This Personnel Ordinance is not intended to create a property interest in continued employment or to provide an exception to the “employment-at-will” rule.
TABLE OF CONTENTS

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose
Section 2. Coverage
Section 3. Definitions
Section 4. Merit Principle
Section 5. Responsibility, Board of County Commissioners
Section 6. Responsibility, County Manager
Section 7. Responsibility, Human Resources Director
Section 8. Personnel Advisory Committee

ARTICLE II. CLASSIFICATION PLAN

Section 1. Adoption
Section 2. Allocation of Positions
Section 3. Administration of the Position Classification Plan
Section 4. Amendment of Position Classification Plan

ARTICLE III. THE PAY PLAN

Section 1. Adoption
Section 2. Maintenance of the Pay Plan
Section 3. Administration of the Pay Plan
Section 4. Payment at a Listed Rate
Section 5. Salary of Trainee
Section 6. Pay Rates in Promotion, Demotion, Transfer and Reclassification
Section 7. Pay Rates in Salary Range Revision
Section 8. Pay for Part-Time Work
Section 9. Overtime
Section 10. Payroll Deductions
Section 11. Longevity Supplements
Section 12. Effective Date of Salary Adjustments
ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity Policy
Section 2. Recruitment, Responsibility
Section 3. Job Advertisements
Section 4. Application for Employment
Section 5. Application Tracking
Section 6. Qualified Standards
Section 7. Selection
Section 8. Appointments
Section 9. Probation Period of Employment
Section 10. Promotion
Section 11. Demotion
Section 12. Transfer

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Week
Section 2. Gifts and Favors
Section 3. Political Activity Restricted
Section 4. Outside Employment
Section 5. Limitation of Employment of Relatives
Section 6. Sexual Harassment
Section 7. Travel Expense and Reimbursement
Section 8. Publications and Memberships
Section 9. County Sponsored Training

ARTICLE VI. LEAVES OF ABSENCE

Section 1. Paid Holidays Observed
Section 2. Effect of Holidays on Other Types of Paid Leave
Section 3. Holidays - When Work Required
Section 4. Emergency Closings
Section 5. Vacation Leave - Approval
Section 6. Vacation Leave - Manner of Accumulation
Section 7. Vacation Leave - Accumulation Late in the Year (Deleted)
Section 8. Sick Leave - General Policy
Section 9. Sick Leave - Manner of Accumulation
Section 10. Sick Leave - Maximum Accumulation
Section 11. Sick Leave - Physician’s Certificate
Section 12. Sick Leave - Sick Leave - Retirement Credit for Accumulated Sick Leave
Section 13. Sick Leave - Transfer From Other Agencies/Entities
Section 14. Sick Leave - Separated Employees
Section 15. Advancing Sick Leave Credit
Section 16. Calculation of Vacation, Sick and Holiday Leave
Section 17. Shared Leave
Section 18. The Family and Medical Leave Act
Section 19. Leave Without Pay
Section 20. Workers’ Compensation Leave
Section 21. Military Leave
Section 22. Civil Leave
Section 23. Educational Leave With Pay
Section 24. Compensatory Time
Section 25. Breaks
Section 26. School Involvement Leave

ARTICLE VII. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

Section 1. Types of Separation
Section 2. Resignation
Section 3. Reduction in Force
Section 4. Disability
Section 5. Discipline and Dismissal
Section 6. Investigatory Suspension
Section 7. Employee Appeal
Section 8. Reinstatement
Section 9. Death
Section 10. Severance Pay

ARTICLE VIII. GRIEVANCE PROCEDURE

Section 1. Purpose
Section 2. Coverage
Section 3. Policy
Section 4. Procedure
Section 5. Maintenance of Records
Section 6. Other Remedies Preserved
ARTICLE IX. EMPLOYEE BENEFITS

Section 1. Insurance Benefits
Section 2. Unemployment Insurance
Section 3. Old Age and Survivor’s Insurance (Social Security)
Section 4. Retirement Benefits
Section 5. Death Benefits
Section 6. Benefits - Other (Fixed)
Section 7. Benefits - Other (Flexible)
Section 8. Law Enforcement Officers’ Separation Allowance
Section 9. Supplemental Retirement Income for Law Enforcement Officers

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 XI. IMPLEMENTATION OF PERSONNEL POLICY BY ORDINANCE

Section 1. Conflicting Policies and Resolution Repealed
Section 2. Severability
Section 3. Effective Date

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM
Section 1. Purpose

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

Section 2. Coverage

A. All employees in the County’s service shall be subject to this policy, except as provided in this Section.

B. The following officials and employees are exempt:

   (1) Elected Officials (except as provided in Article III, Section II),

   (2) Members of Advisory Boards and Special Boards and Commissions (unless specifically designated),

   (3) County attorney; and

   (4) County Manager (except as provided in Article III, Section II, and Article VII, Section 10).

C. The following employees shall be covered only by the specifically designated Articles and Sections:

   (1) Employees of the North Carolina Cooperative Extension Service shall be subject to all Articles except Articles II, III, IV and IX. They shall be eligible under the provisions of Article III, Section II.

   (2) The Director of Elections shall be subject to all Articles except Articles IV, V, VII and VIII.

   (3) Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles except Articles VI and IX.

Section 3. Definitions (Listed Alphabetically)

**Adverse Action:** A demotion, dismissal, reduction in pay, layoff, or involuntary transfer or suspension.

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

**Appointing Authority:** Any board or position with legal or delegated authority to make hiring decisions.
**Class:** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

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

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

**Emergency Position:** A position in which the duties and responsibilities are required to be attended for a period of time not to exceed thirty (30) calendar days.

**Full-Time Employee:**

(a) **Regular** - An employee, appointed to a permanently established position, who is regularly scheduled to work thirty (30) or more hours per week and is designated by the Board of County Commissioners as regular full-time.

(b) **Temporary** - An employee, appointed to a temporarily established position, who is regularly scheduled to work thirty (30) or more hours per week and is designated by the Board of County Commissioners as temporary full-time.

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

**Hiring Rate:** The salary paid an employee when hired into County service.

**Immediate Family:** Spouse, parent, sibling, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

**Longevity Plan:** A plan to reward employees for faithful continuous service, based solely on longevity. Payment made one time per calendar year.

**Maximum Salary Rate:** The maximum salary authorized for an employee within an assigned salary grade (the last step within a grade.)
Merit Increase:  An increase in salary within the same salary grade, based on meritorious service and on performance of duties above the standard for the assigned position.

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

Part-Time Employee:

(a) Regular Part-Time Employee - An employee appointed to a permanently established position, who is regularly scheduled less than thirty (30) hours per week, and is designated by the Board of County Commissioners as regular part-time.

(b) Temporary Part-Time Employee - An employee appointed to a temporarily established position, who is regularly scheduled less than thirty (30) hours per week, and is designated by the Board of County Commissioners as temporary part-time.

Pay Plan: A schedule of pay ranges systematized into sequential rates including minimum, standard job rate and maximum steps for each class assigned to any given salary range.

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

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

Prior Caldwell County Service: Caldwell County service is defined as prior employment in a regular position in any department or agency of Caldwell County Local Government.

Prior Service: Prior employment with any North Carolina governmental unit or subdivision thereof. Separation from prior employer must not exceed three (3) years and verified within sixty (60) days of employment. Prior service credit will be recognized for vacation and longevity calculation only. (The 3 year limit does not apply to Caldwell County employment).

Probationary Employee: A person appointed to a regular position who has not completed the probationary period. (See Article IV, Section 9.)

Probationary Period: The required period of time an employee serves before obtaining regular status when entering County service.
**Promotion:** The reassignment of an employee to an existing position or classification in the County service having a higher salary range than the position or classification from which the reassignment is made.

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

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

**Regular Employee:** An employee who has completed at least six (6) months of satisfactory County service and has been approved for regular status by his/her Department Head and Human Resources Director.

**Regular Position:** A position which has been approved by the Board of County Commissioners and in which the duties and responsibilities are required to be attained on a continuous and annually recurring basis, normally requiring full-time employment of an individual. Exceptions to full-time employment are where the recurring duties and responsibilities of a permanent position can be attended in less than a regular workday and/or work week.

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

**Salary Plan:** A schedule of pay ranges systematized into sequential rates including minimum, intermediate and maximum steps for each class assigned to any given salary range.

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

**Salary Range:** The hiring (minimum), standard job rate and maximum salary for a given classification.

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

**Salary Schedule:** A listing by grade and step of all the approved hiring, maximum, standard job rate and minimum salary ranges authorized by the Board of County Commissioners for various position classifications of County government.

**Temporary Full-Time Employee:** A person appointed to serve in a position for a definite duration, but not to exceed one (1) year. (Employee not subject to participation in benefit programs.)
Temporary Full-Time Position: A position which the duties and responsibilities are required to be attended for a specific short period of time, normally not to exceed twelve (12) months and may or may not require attendance by a person for a full workday and/or work week.

Trainee: An employee designated as such, appointed to a position in any class for which the Department Head and Human Resources Director has authorized “trainee” appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.

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

Work-Against Appointment: When qualified applicants are unavailable and there is no training provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class and for the position in question.

Section 4. Merit Principle

All appointments and promotions hereunder shall be made solely on the basis of merit and ability. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, sex, national origin, political affiliation, disability or age.

Section 5. Responsibility of Board of County Commissioners

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

Section 6. Responsibility of County Manager

The County Manager shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager, or his designee, shall appoint, suspend, and remove all County officers and employees, except those elected
by the people or whose appointment is otherwise provided for by law or those specifically exempt. The County Manager, or his designee, shall make appointments, dismissals, and suspensions in accordance with 153-A-82 of the General Statutes of the State of North Carolina and Articles IV, V, VII and VIII of this Personnel Policy.

The Sheriff and Register of Deeds have the exclusive right to hire, discharge and supervise the employees in their respective departments under the authority of 153A-103 of the General Statutes of the State of North Carolina.

Section 7. Responsibility of Human Resources Director

The duties and responsibilities of the Human Resources Director are, but are not limited to, the following:

(a) Apply, interpret, and carry out this Ordinance and the policies adopted thereunder, as directed by the County Manager.

(b) Establish and maintain records of all persons in County service, setting forth each officer and employee, class, title of position, pay or status history and other relevant employment data.

(c) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County.

(d) Encourage and exercise leadership in the development of effective personnel administration within the various County departments and to make available the facilities of the Human Resources Office to this end.

(e) Investigate, when necessary, the time, operation and effect of this policy and of the policies made thereunder and report his/her findings and recommendations to the County Manager.

(f) Make such recommendations to the County Manager regarding the personnel functions, as well as revisions to the personnel system, as he/she may consider appropriate.

(g) Issue and publish any necessary administrative directives, supplements, interpretations and necessary prescribed forms and reports for any personnel matters for the proper functioning, maintenance and documentation of the procedures established by and in accordance with this Policy.

(h) Develop and administer such training and staff development programs so as
to meet current and future organizational needs and requirements.

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

Section 8. Personnel Advisory Committee

A standing Personnel Advisory Committee shall be created consisting of two (2) Department Heads, two (2) regular non-supervisory employees, two (2) County Commissioners, and two (2) individuals serving in human resource capacities in local private industry. Terms of the membership shall be three-year staggered terms. The Human Resources Director will serve as the facilitator with technical support provided by the County Human Resources staff.

This Personnel Advisory Committee shall meet quarterly, and as otherwise necessary, with one (1) Department Head, one (1) County Commissioner, and (1) regular non-supervisory employee, and one (1) local private industry professional constituting a quorum.

Adopted: 7-21-2003

ARTICLE II. CLASSIFICATION

Section 1. Adoption

The position classification plan, as from time to time approved by the Board of County Commissioners, is hereby adopted as the position classification plan for Caldwell County. Position classification is one of the most important steps which can be taken toward the development of efficient human resources administration. It provides the basis
for an equitable and logical pay plan, for meaningful standards of recruitment and selection, budget maintenance and improved organization.

Section 2. Allocation of Positions

The Human Resources Director shall allocate each position covered by the classification plan to its appropriate class in the plan.

Section 3. Administration of the Position Classification Plan

The County Manager, or Human Resources Director, as designated by the County Manager, shall be responsible for the administration and maintenance of the Position Classification Plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the County Manager and Human Resources Director (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the Board of County Commissioners after which the Human Resources Director shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director shall, after consultation with the Department Heads, (1) recommend that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend to the County Manager that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Section 4. Amendment of Position Classification Plan

Classes of positions shall be added to and deleted from the position classification plan by the Board of County Commissioners based on the recommendation of the County Manager and Human Resources Director.
ARTICLE III. THE PAY PLAN

Section 1. Adoption

The Salary Schedule, reflecting both salary grade and range, as approved by the Board of County Commissioners, is hereby adopted as the Pay Plan for Caldwell County.

Section 2. Maintenance of the Pay Plan
The Human Resources Director shall be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation for all positions when considered in relation to each other, to comparable rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to financial conditions of the County, and other objective factors. To this end, the Human Resources Director shall, as necessary, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the County Manager and Board of County Commissioners such changes in salary ranges as appear to be warranted.

Section 3. Administration of the Pay Plan

The pay philosophy of Caldwell County shall be administered in a fair and systematic manner in accordance with work performed. The pay structures shall be externally competitive, maintain proper internal relationships among all positions, based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay range. The performance evaluation system designed to facilitate fair and equitable merit pay decisions must meet the needs of both management and employee.

The following provisions shall govern the hiring rate, as well as the granting of within-range pay increments:

A. Hiring Rate/Starting Salary: All employees will be hired at the minimum rate of their assigned salary grade. Appointments above the hiring rate may be made with the approval of the Human Resources Director and County Manager when deemed necessary in the best interest of the County, and will be based on such factors as qualifications of the applicant being higher than the desirable education and training for the class; shortage of qualified applicants available at the hiring rate; and/or the refusal of qualified applicants to accept employment at the hiring rate/starting salary.

B. Salary increases: The County Commissioners shall annually determine the basis for salary adjustments.

Approved: 5-17-2004
Effective: 6-1-2004

Section 4. Payment at a Listed Rate

All employees shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.
When an employee attains the maximum rate of a salary range for his/her present position, no further salary increase will be received unless:

A. The position is reclassified:

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

C. The salary for the present position is increased.

Section 5. Salary of Trainee

An applicant hired, or employee promoted to a position in a higher class who does not meet all the established requirements of the position, shall be appointed at a pay rate no greater than one (1) grade below the minimum salary. Employees shall be designated “Trainees” based upon recommendations of the Department Head with the approval of the Human Resources Director. An employee in a trainee status shall continue to receive a reduced salary until the appointing Department Head and the Human Resources Director shall determine that the trainee is qualified to assume the full responsibilities of the position.

Section 6. Pay Rates in Promotion, Demotion, Transfer and Reclassification

When an employee is promoted, demoted, transferred or whose position has been reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

A. When a promotion occurs, the employee’s salary shall be increased 5% or increased to the minimum step of the new pay range, whichever is higher.

B. When a demotion occurs, and the employee’s current salary falls above the maximum of the range for the lower class, the employee’s salary may remain the same until general schedule adjustments or range revisions bring it back within the lower range; or the employee’s salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. Action of the above shall be the responsibility of the Department Head with approval from the Human Resources Director, or in the case of Department Heads, by the County Manager.

C. When a transfer occurs from a position in one class to a position in another class, assigned to the same pay range, the employee shall continue to receive the same salary.
D. When an employee is temporarily transferred from a position in one class to a position in another class, at a higher grade, they shall be paid at the higher rate while in said temporary position.

E. Reclassification

(1) Reclassification- When an employee’s position is reclassified to a class having a higher salary range, due to assignment of additional duties and/or responsibilities, the salary will be increased 5% or will be increased to the minimum step of the new range, whichever is higher.

When an employee’s position is reclassified to a class having a lower salary range, the employee’s salary will remain the same.

(2) Labor Market Adjustment - When an employee’s position is adjusted to a class having a higher salary range, due to the current labor market trends for hiring and retention, the employee’s salary will be adjusted to at least the minimum of the new salary range.

(3) Redefinition of Class - When an employee’s position is redefined due to redefinition of position class or class series to include departmental organizational changes and/or classification description, no salary increase will be given, only the position title will change.

Effective Date: The effective date of this policy shall be January 1, 2003, in accordance with previous action of the Caldwell County Board of County Commissioners.

Disclaimer: The Board of County Commissioners will review this benefit annually and may, effective July 1st of each year, delete, modify, enhance or otherwise make changes to this benefit.

Section 7. Pay Rates in Salary Range Revision

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

A. When a class of positions is assigned to a higher pay range, the employee’s salary shall be increased, if it is below the new minimum, to at least the minimum rate of the new salary range. If an employee’s current salary is already above the new minimum salary rate, his/her salary may be adjusted up to five steps upward or left unchanged at the discretion of the Department Head and Human Resources Director, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee’s pay range is increased above the employee’s current salary.

Section 8. Pay for Part-Time Work

Compensation of any employee appointed for less than full-time service shall be computed on a pro rata basis for hours worked. The pro rated hourly rate shall be based on the hiring rate of the position or classification to which the part-time employee is assigned.

Section 9. Overtime

Caldwell County shall abide by all applicable section of the Fair Labor Standards Act along with the Fair Labor Standard Amendments of 1985. Under such implementation, Caldwell County will properly record all applicable overtime accrued for each covered employee.

This policy shall be applicable to all employees of Caldwell County who are covered under the provisions of the Fair Labor Standards Act. Its intention is to assure compliance with such Act to the extent applicable to Caldwell County.

A. Non-Law Enforcement Employees

Exempt

Full-time and part-time employees who have been classified as “Exempt” from the overtime provisions of the Fair Labor Standards Act are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. A 100% or full-time exempt employee, as an example, would be expected to work a 40 hour week at a minimum during normally defined business hours unless prior approval to work a flexible schedule has been requested by the employee and approved by the Department Head, or the County Manager in the case of a Department Head. Hours worked in excess of a 40 hour work week by an exempt employee is considered accomplishment of assigned accountabilities for which there is no requirement for additional compensation whether in time off or pay.

Non-Exempt

Full-time and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy (see Article VI Section 24). Overtime is paid or compensatory time off is given to non-exempt employees for hours worked in excess of 40 hours per week. The work week is defined as Sunday through the following Saturday.
Approval To Work Overtime

All overtime hours worked by all non-exempt employees must be approved in advance by the employee’s Department Head or Supervisor. Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work which has not been requested by management but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered overtime hours when in excess of 40 hours in the work week although the work had not been specifically authorized.

Supervisors/Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

Overtime Rates for Non-Exempt Employees

When overtime is paid, it is at the rate 1-1/2 times the employee’s regular hourly equivalent salaried rate for those hours worked in excess of 40 in one week. The employee’s regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2080.

Annual full-time salary divided by 2080 equals regular hourly rate

Overtime pay equals regular hourly rate times 1-1/2 times overtime hours

B. Law Enforcement Employees

Exempt

Full-time and part-time employees who have been classified as “Exempt” from the overtime provisions of the Fair Labor Standards Act are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. A 100% or full-time exempt employee, as an example, would be expected to work a 40 hour week at a minimum during normally defined business hours unless prior approval to work a flexible schedule had been requested by the employee and approved by the Department Head, or the County Manager in the case of a Department Head. Hours worked in excess of a 40 hour week by an exempt employee performing work that is usual and customary is considered accomplishment of assigned accountabilities for which there is no requirement for additional compensation in time off or pay.

Non-Exempt
Full-time and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this Policy. Overtime is paid or compensatory time off is given to non-exempt law enforcement employees for hours worked in excess of 171 hours in a 28 day work period. The work period is a 28 day cycle corresponding with two consecutive pay periods beginning with the April 2, 1986 pay period forward.

**Approval To Work Overtime**

All overtime hours worked by all non-exempt law enforcement employees must be approved in advance by the employee’s Department Head. Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work which has not been requested by management, but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered overtime hours when in excess of 171 hours in the 28 day work period although the work had not been specifically authorized.

Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

**Overtime Rates for Non-Exempt Law Enforcement Employees**

When overtime is paid, it is at the rate of 1-1/2 times the employee’s regular hourly equivalent salaried rate for those hours worked in excess of 171 hours in the 28 day work period. The employee’s regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2080.

- Annual full-time salary divided by 2080 equals regular hourly rate
- Regular hourly rate times 1 ½ times overtime hours equals overtime pay

**Section 10. Payroll Deductions**

Federal and State income taxes, Social Security tax, and retirement contributions shall be payroll deducted as well as any other deduction authorized by law and the Board of County Commissioners. Only authorized payroll deductions shall be made from an employee’s pay. No other deductions will be made without the request and approval of the employee.
Section 11. Longevity Supplements

For employees who have been employed five (5) years or more, the County may provide a discretionary longevity pay supplement, based on annual review, with the recommendations of the County Manager and approved by the Board of County Commissioners. These supplements are to provide a financial reward in recognition of regular employees for specified years of faithful service. Supplements are based on the anniversary reached in the payment year.

Any employee with prior service and who separates in good standing and is employed by Caldwell County within three (3) years may receive credit for previous service for the purpose of longevity calculation.

The longevity supplement paid to employees who have reached their fifth (5th) year of employment shall begin with $400.00 and each succeeding year of service thereafter shall progress at $50.00 until the 10th year is reached. The 10th year shall progress $150.00 with each year succeeding the 10th progressing $50.00 until year 20. At year 20 the longevity supplement shall progress $150.00 with each year thereafter succeeding the 20th year progressing $50.00 per year.

The longevity supplement payment is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual salary. Longevity payments will be subject to all applicable payroll deductions including but not limited to: Retirement System deductions, Social Security deduction, State and Federal income taxes. Longevity payments made to employees in error or in violation of the requirements, whether the fault of the County or the employee, must be returned to the County.

Temporary employees (full or part-time) are not eligible for longevity payments. Any change of appointment to temporary will cause an employee to become ineligible for longevity pay.

Regular, part-time employees, working at least twenty hours per week and who are participating in the Local Government Employees’ Retirement System or the Law Enforcement Officers’ Retirement System are eligible for longevity payments based on their pro-rated work schedule.

Those employees who retire during the year or employees with ten (10) or more years of Caldwell County service, who voluntarily resign in good standing during the year, shall receive a pro-rated longevity supplement for the time worked in the year.

An employee will not be eligible to receive longevity pay who:

(A) Terminates employment with the County prior to the longevity pay date with less than ten (10) years service.

(B) Is placed on long term disability prior to the eligibility date.
Employees on leave of absence will be affected as follows in regard to longevity pay:

A. Any employee on an authorized leave of absence without pay shall be considered to be in continuous service.

B. Employees on approved leave of absence will receive their longevity pay upon their return to active service with the County.

C. An employee who does not return to active service from an authorized leave of absence shall forfeit his/her longevity pay.

D. Employees on Workers’ Compensation leave shall receive longevity pay in the same manner as if they were working.

Section 12. Effective Date of Salary Adjustments

Salary adjustments shall become effective on the date of the actual adjustment.
ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of Caldwell County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity and to identify and attract the most qualified applicants for all present and future vacancies. This intent is achieved through consistency in announcing all positions, evaluating all applicants on the same criteria and by applying testing methods through the local Job Service Office (Employment Security Commission). To avoid discrimination, equal employment opportunities are allowed without regard to race, color, religion, sex, national origin, political affiliation, disability or age.

Section 2. Recruitment- Responsibility of Human Resources Director

Upon determining that internal (employees within the department and then within the remaining general County) recruitment has been exhausted, the Human Resources Director shall be responsible for an active recruitment program to meet current and projected work force needs, through procedures that will assure equal employment opportunities based on reasonable performance related job requirements. To accomplish this, the efforts of the Human Resources Director and all County Departments must be coordinated in a timely manner.

All position announcements shall be posted for a minimum of seven (7) working days, which shall include the posting of the notices of vacancies within each County Department. Optional recruiting publicity shall be carried out through media appropriate to the program.

Section 3. Job Advertisements

Recruiting announcements shall include information pertinent to the position/work involved, including at a minimum, the title, salary grade and range, key duties, knowledge and skill requirements, minimum education and experience standard, contact person, special certification or licensing requirements and application closing date. In addition, assurance of Equal Employment Opportunity and Affirmative Action compliance, as well as the County’s commitment to comply with the Immigration Reform and Control Act of 1986, and the Americans with Disabilities Act shall be contained therein.

Section 4. Application for Employment

The Caldwell County Employment Application shall be the standard application accepted for any and all position listings. No applications for external recruitment may be accepted within an agency or department. All referrals are to be made through the County Human Resources Office.
Section 5. Application Tracking

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

The specifics shall include an alphabetized listing of all applicants, social security numbers and test scores, when applicable, for each and every job vacancy. To the extent that it is practical, reference to these records shall be made periodically in connection with the County’s overall selection procedures, to ensure that equal consideration is given to all qualified applicants.

Section 6. Qualified Standards

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

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

C. Consideration may be given to “Trainee” appointments when there is an absence of qualified applicants from which to make a selection. In this instance, the deficiencies may be eliminated through orientation and on-the-job training and the class is granted a trainee.

D. Work-Against Appointment. When qualified applicants are unavailable and there is no trainee provision for the vacant classification, an appointment may be made below the level of the regular classification in a work-against situation, for the purpose of allowing the employee opportunity to gain the qualifications needed for the full class, through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question.

Section 7. Selection

Department Heads (in coordination with the Human Resources Office) shall develop, utilize and document, on a consistent and routine basis, a selection process which best suits the needs in filling positions within each agency/department.

In filling vacancies, every effort should be made to promote qualified employees from within before outside replacement is considered.
Section 8. Appointments

Prior to any commitment to the applicant/new hire, the Department Head shall coordinate with the Human Resources Director regarding the appointment. The Human Resources Director and/or the County Manager shall determine if the classification and starting salary is appropriate, subject to the following conditions:

A. If the duties of the position may involve operation of County owned/insured vehicles, the Human Resources Director will initiate a review of the driving record of the person to be hired, which will become a part of the personnel file.

B. The sheriff and Register of Deeds shall have authority over the appointment in their respective departments, with the Human Resources Director determining the class and salary of new employees.

C. By the authority of Chapter 153A-103 of the North Carolina General Statutes, the Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage or nearer kinship than first cousin or a person who has been convicted of a crime of moral turpitude.

Section 9. Probationary Period of Employment

An employee appointed to a regular position shall serve a probationary period of six (6) months (law enforcement one (1) year). Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily. A regular employee serving a probationary period following a promotion shall be demoted, as provided in Section 11 of this Article, if unable to perform assigned duties of the new job satisfactorily.

No employee shall remain on probation for more than nine (9) months, except law enforcement who shall not serve in a probationary status for more than one (1) year.

Employees completing the probationary period in a satisfactory manner will be considered regular employees unless his/her Department Head (except the Sheriff and Register of Deeds) indicates in writing, to the Human Resources Director, that the employee:

A. Is not performing satisfactory work;

B. Should have his/her probationary period extended (not to exceed nine (9) months):

C. Should not be retained in the present position or should be released, transferred or demoted; or
D. Has been advised of their progress (accomplishments, strengths and weaknesses).

Section 10. Promotion

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

Vacancies in positions shall be filled, as far as practical, by the promotion of employees already in service with the County unless such action would be detrimental to the goals of the Affirmative Action Plan and the good of the greater community.

If a current County employee is chosen for promotion, the Department Head shall coordinate with the Human Resources Director recommendations for classification and salary along with reasons for selecting the employee over other applicants.

Section 11. Demotion

Any employee whose work in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VII. Representative cause for demotion because of failure in work performance and failure in personal conduct are listed in Article VII, Sections 7 and 8.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee as stated in Article VIII of this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or failure in personal conduct. In accepting a voluntary demotion the employee will be placed in the lower salary grade with a corresponding 5% decrease in pay for each pay grade reduced.

Section 12. Transfer
If a vacancy occurs and an employee from another department wishes to be considered for the appointment, an in-house application must be forwarded to the Human Resources Office during the recruitment period for the position.

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

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Week
The standard work week for all employees of the various departments of the County, with the exception of Law Enforcement, Emergency Medical Services, Landfill, Library and Communications, shall be 40 hours per week. Department Heads shall work the hours necessary to ensure the satisfactory performance of their departments, but not less than 40 hours per week. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule. The establishment of Department Head approved flexible working schedules for individual employees is authorized so long as there is no interruption of department function and service to the citizens of Caldwell County.

**Section 2. Gifts and Favors**

A. No official or employee of the County shall accept any gift, whether in the form of a service, loan, thing, or promise from any person, firm or corporation, who in the employee’s knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.

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

C. No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

D. Gratuities shall be refused by all County officials and employees.

**Section 3. Political Activity Restricted**

Every employee of Caldwell County has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, 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 by the Constitution and Laws of the United States of American. However, while on duty, no employee of Caldwell County shall:

A. Engage in any political or partisan activity;

B. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

C. Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;

D. Coerce or compel contributions for political or partisan purposes by another
employee of the County; or

E. Use funds, supplies, or equipment of the County for political or partisan purposes.

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

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

Section 4. Outside Employment

The work of the County takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported, (in writing, with a copy to the Human Resources Office) to the employee’s Department Head, before such work is to begin. The Department Head and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service. The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

Section 5. Limitation of Employment of Relatives

No two members of any immediate family shall be employed within the same department if such employment will result in one member supervising the other or in one member occupying a position that has influence over the other’s employment, promotion, salary administration, or related management or personnel considerations.

The term immediate family means an employee’s spouse, parent, guardian, child, sibling, grandchild and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from the family members named herein.

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

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

Section 6. Sexual Harassment

A. Caldwell County opposes sexual harassment by any official or employee in
any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or a 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 the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

B. Any employee who believes he or she may have a legitimate complaint of sexual harassment is encouraged to file the complaint with their supervisor, Department Head, or directly with the Human Resources Director. The Human Resources Director will conduct a confidential investigation into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation. The County Manager shall investigate any complaint filed against the Human Resources Director.

C. Any employee violating this policy may be subject to immediate discipline ranging from a written warning to discharge, depending upon the severity of the violation in each case. Any repeat of sexual harassment may result in more severe discipline. No employee will be retaliated against for filing a grievance or complaint alleging sexual harassment or for participating in an investigation.

Section 7. Travel Expense and Reimbursement

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

Travel on official business outside Caldwell County must be coordinated and authorized by the Department Head and, in the case of Department Heads, by the County Manager.

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 County Commissioners.

Employees and officials traveling on a reimbursable basis for the County will keep an accurate record of their expenses. No reimbursement will be paid without a written travel claim signed by the employee and approved by the Department Head. Receipts for the cost of hotels, meals and related travel expenses must be attached to the written claim.

Section 8. Publications and Memberships
No Caldwell County department, agency or employee shall subscribe to any publication or maintain membership in any organization for which County funds are expended except when such publication or membership has a direct impact upon the function of the department, agency or employee i.e., it would be appropriate for the Finance Director to maintain membership in the North Carolina County Finance Officers’ Association but not appropriate to maintain membership in the Caldwell County Arts Council, at county expense.

Approved: 5-17-2004
Effective: 6-1-2004

Section 9. County Sponsored Training

No Caldwell County department, agency or employee shall undertake any training for which County funds are expended except when such training has a direct impact upon the function of the department, agency or employee.

ARTICLE VI. LEAVES OF ABSENCE

Caldwell County will provide or make benefits available to all regular County employees occupying an established budgeted position. A regular employee is any County employee who is scheduled to work 30 or more hours per week. Any County employee scheduled to work less than 30 hours per week shall be classified as a part-time employee and will not be eligible to earn or accrue vacation, sick or holiday leave. Those
part-time employees working a minimum of 1000 hours per year will be enrolled in the Local Governmental Employees Retirement System.

Section 1. Paid Holidays Observed

The following holidays, and such others as the Board of Commissioners may designate, shall be observed by County offices and shall be counted as hours worked:

New Year’s Day
Martin Luther King Jr., Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran’s Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day (plus the work day before and the work day after Christmas Day)

The Board of County Commissioners, on February 1, 1993, adopted the holiday schedule recognized and observed by North Carolina State Agencies. That schedule of holidays will be the one recognized and observed by Caldwell County agencies and departments.

Employees may wish to be away from work on certain days for religious observances. Department Heads should attempt to arrange the work schedule so that an employee may be granted appropriate leave when it is requested because the day is a major religious observance for that employee. Appropriate leave should be denied only when it would create an emergency condition which cannot be prevented in any other manner.

Section 2. Effect of Holidays on Other Types of Paid Leave
Regular holidays which occur during a vacation, sick or other paid leave period of any officer or employee of the County shall not be charged as vacation, sick, or other paid leave.

Section 3. Holidays - When Work Required

County employees required to work on an observed holiday will receive eight (8) hours of holiday pay plus compensation hour-for-hour for all hours worked on the holiday.

Section 4. Emergency Closings

Each year, beginning in July, regular full time employees will have available eight (8) hours of time to be used for inclement weather. These eight (8) hours are to be used only in times of bad weather, Acts of God, i.e. power outages etc., as determined and authorized by the County Administration Office. This time is non-transferable from year-to-year and does not accumulate. This time can not be used for travel purposes to and from work when these situations arise.

This is not a benefit, but administrative accommodation and does not apply to emergency or safety personnel.

Approved: 5-17-2004
Effective: 6-1-2004

Section 5. Vacation Leave-Approval

A. For the purpose of earning and accruing vacation leave, the period of twelve (12) calendar months between January 1 and December 31 is established as the leave year.

B. Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed 30 days or 240 hours. On December 31, any employee with more than 30 days or 240 hours of accumulated leave shall have the excess accumulation canceled so that only 30 days or 240 hours are carried forward to January 1 of the next calendar year. All vacation hours canceled, in excess of 240 hours, will be transferred to the employee’s sick leave account.

C. Vacation leave shall be taken only with the prior approval of the employee’s supervisor or Department Head.

D. Any employee who separates in good standing and is reemployed may receive credit for previous service for the purpose of accruing vacation leave.
E. Any employee who is separated, without gross misconduct, shall be paid for annual leave accumulated to the date of separation, which is not to exceed a maximum of 30 days or 240 hours.

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

G. Prior service accruals will be recognized at employment date for vacation accruals.

Section 6. Vacation Leave - Manner of Accumulation

All Regular and Probationary employees will earn vacation leave based on the length of aggregate covered service. Vacation time will be prorated when an employee does not work a full month. Vacation will be earned at the following rates:

**REGULAR EMPLOYEES**

<table>
<thead>
<tr>
<th>Years of Aggregate Service</th>
<th>Hours Earned Per Pay Period</th>
<th>Days Earned In One Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2</td>
<td>6.67</td>
<td>10</td>
</tr>
<tr>
<td>2 but less than 5</td>
<td>8.00</td>
<td>12</td>
</tr>
<tr>
<td>5 but less than 10</td>
<td>10.00</td>
<td>15</td>
</tr>
<tr>
<td>10 but less than 15</td>
<td>12.00</td>
<td>18</td>
</tr>
<tr>
<td>15 but less than 20</td>
<td>14.00</td>
<td>21</td>
</tr>
<tr>
<td>20 years or more</td>
<td>16.00</td>
<td>24</td>
</tr>
</tbody>
</table>

Vacation leave will be credited each pay period to each employee at the end of each pay period for which leave is earned. Vacation leave may not be taken until it has been earned and credited to the employee’s account.

For vacation leave purposes, years of aggregate service shall be the period of time employed by Caldwell County as well as any other approved North Carolina State or local jurisdiction employment. Employees on Leave Without Pay status receive full credit toward their service time for up to a maximum of three (3) months per occurrence.

Section 7. Vacation Leave - Accumulation Late in the Year (This section deleted May 17, 2004, Effective June 1, 2004).
Section 8. Sick Leave - General Policy

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Board of County Commissioners. An employee may be granted sick leave if the absence is due to:

A. Sickness or bodily injury that prevents the employee from performing his/her regular duties.

B. Medical or dental appointments.

C. The actual period of temporary disability causes or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom. Since there is no certainty as to when disability actually begins and ends, a doctor’s certificate shall be required verifying the employee’s period of temporary disability recognized as sick leave.

D. Quarantine due to a contagious disease in the employee’s immediate family, or exposure to a contagious disease when continuous work might jeopardize the health of others.

E. Sickness or death in the employee’s immediate family, not to exceed four (4) days, for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head. Immediate family is defined as spouse, parent, sibling, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Section 9. Sick Leave - Manner of Accumulation

Each Regular County employee, occupying a permanently established budgeted position, shall earn sick leave at the rate of eight (8) hours per month (12 days per year) for each calendar month and year for which an employee is paid.

At the time of separation, any sick leave owed the County shall be deducted from the employee’s final compensation.

Sick leave earned by Regular Employees having a work week with greater or fewer hours than the basic work week shall be determined in accordance with the formula set forth in Section 16 of this Article.

Section 10. Sick Leave- Maximum Accumulation

Sick leave will be cumulative for an unlimited number of days.

Section 11. Sick Leave- Physician’s Certificate
The employee’s Department Head or County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work to the end that there will be no abuse of sick leave privileges. At the expiration of an authorized sick leave, the employee’s Department Head or County Manager may require a physical an/or mental examination at the County’s expense and by a physician of its choice, to determine if the employee is able to resume his/her normal duties.

Section 12. Sick Leave - Retirement Credit for Accumulated Sick Leave

Sick leave earned monthly while a participant in the North Carolina Local Governmental Employees’ Retirement System, and for which you would receive full salary if you were absent from work, because of sickness, counts as creditable service toward your retirement. One month of credit is allowed, at no cost to the employee, for each 20 days of your unused sick leave when you retire. One more month is allowed for any part of 20 days left over.

Note: Caldwell County is and has been applying accumulated sick leave as retirement credit in accordance with the Local Governmental Employees’ Retirement System provisions and, effective May 17, 2004, language in this section was appropriately amended.

Section 13. Sick Leave - Transfer From Other Agencies/Entities

Caldwell County recognizes the vested interest an employee has in accumulated sick leave. Therefore, a new employee who was previously employed within the preceding three (3) years by the State or one of its subdivisions will be allowed to transfer such sick leave as may have been accumulated during previous employment to be credited to his/her account. A written verification from the previous employer is required before the sick leave hours can be credited.

Section 14. Sick Leave - Separated Employees

Employees who retire or resign in good standing with Caldwell County, and are reemployed shall receive sick leave credits. No employee shall be paid for any accrued sick leave at termination.

Approved: May 17, 2004
Effective: June 1, 2004

Section 15. Advancing Sick Leave Credit

The Board of County Commissioners may, on the recommendation of the County Manager, advance up to 20 days of sick leave to an employee who has exhausted all sick
leave and accrued vacation leave because of an accident, major operation or illness. If the employee should terminate his/her employment prior to earning sufficient leave to cover that which was advance, an amount equal to the sick leave taken and not earned shall be deducted from the employee’s final compensation.

Section 16. Calculation of Vacation, Sick and Holiday Leave

Vacation, Sick and Holiday leave earned by regular employees having a work week with greater or fewer hours than the basis work week shall be determined in accordance with the following formula:

A. The number of hours worked by such employees shall be divided by the number of hours in the basic work week (40).

B. The proportion obtained in Step A shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.

C. The number of hours in Step B, divided by twelve, shall be the number of hours of leave earned monthly by the employees concerned.

Section 17. Shared Leave

Employees may, based upon unusual circumstances, request and utilized leave from a Shared Leave Pool. The Shared Leave Pool is an accumulation of unused leave which has been donated by County employees for the purposes of sharing with other employees. An employee must have exhausted all other leave before requesting Shared Leave. A decision regarding the request will be made by a Shared Leave Committee. Contact the Human Resources Office for full details regarding this benefit.

Section 18. The Family and Medical Leave Act

It shall be the policy of Caldwell County to comply with the intent and provisions of The Family and Medical Leave Act (FMLA) of 1993. A copy of the law and related rules and regulations are available in the Human Resources Office. A notice of the FMLA is available on bulletin boards in each County department and agency. A brief overview of the FMLA is as follows:

Caldwell County will grant, for any one of three reasons, up to twelve weeks of unpaid leave per 12 month period to eligible employees. A leave request may be based on (1) an employee’s medical condition; (2) the birth or adoption of a child to an employee-parent; and (3) an employee’s need to care for a child, spouse, or parent who has a serious health condition.
An eligible employee is any employee who has been employed by Caldwell County for at least twelve months (does not have to be consecutive) and who has worked at least 1,250 hours during the twelve month period immediately preceding the commencement of the leave.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

A. Any period of incapacity or treatment connected with inpatient care (overnight stay) in a hospital, hospice or residential medical facility;

B. Any period of incapacity requiring the absence of more than three calendar days from work and that also involves continual treatment by (or under the supervision of) a health care provider or;

C. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated, would likely result in a period of incapacity of more than three calendar days and for prenatal care. The regulations provide very specific definitions of “continuing treatment.”

Caldwell County will provide health care coverage for any employee taking FMLA leave at the same level and on the same terms as was provided before the leave. You also have the right to return either to the position you left when the leave began, or to an equivalent position with the same benefits, pay and other terms and conditions of employment.

You must give 30 days advance notice of your need to take FMLA leave when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When it is not practicable under the circumstances to provide such advance notice, e.g., premature birth, such notice must be given “as soon as practicable,” ordinarily within one or two business days of when you learn of the need to take leave. Verbal notice, sufficient to inform your supervisor, Department Head and Human Resources Director that you will need FMLA leave, satisfies the FMLA notice requirement.

For information on the Family and Medical Leave Act of 1993 or assistance in applying for FMLA leave, please contact the Human Resources Office.

Any time FMLA is utilized, employees must use eligible sick leave to run concurrent with this time away from work, with the exception of Workers’ Compensation leave.

Approved: 5-17-2004
Effective: 6-1-2004

Section 19. Leave Without Pay
Notwithstanding the provisions of the Family and Medical Leave Act of 1993, leave without pay is an administrative decision and may be granted for up to, but not exceeding 6 months, by the County Manager, upon the recommendation of the Department Head and Human Resources Director. Employees on approved leave without pay shall not earn vacation, sick or holiday leave credit and upon returning to work from an approved leave without pay, shall return either to the position they left when the leave began, or to an equivalent position with the same benefits, pay, and other terms and conditions of employment. An employee must exhaust all applicable other leave before being placed on leave without pay status. Individual hospitalization insurance provided for the employee by the County during regular pay status, will not be provided as County expense benefits during leave without pay, unless the employee is on the payroll a minimum of half the working days during the calendar month. The employee, however, may elect to pay the total premium for their hospitalization coverage during such periods of leave without pay when the County does not cover said premium.

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

Notwithstanding Workers’ Compensation leave, there shall be a $25.00 fee for processing Leave Without Pay per each episode, with the exception of the first episode per calendar year. Episode is defined as monthly payroll cycle.

Approved: 5-17-2004
Effective: 6-1-2004

Section 20. Workers’ Compensation Leave

Any employee who is absent from work due to sickness or disability covered under the North Carolina Workers’ Compensation Act is subject to the following leave provisions:

(a) An employee may take leave without pay for the entire period of disability, and receive any workers’ compensation benefits to which they are entitled. If the absence is expected to extend beyond twenty-one (21) calendar days, the employee must go immediately into a leave without pay status and begin receiving workers’ compensation benefits on day one (1):

(b) An employee with a workers’ compensation injury/illness that is not expected to extend beyond twenty-one (21) calendar days shall be permitted to use available paid sick and/or vacation leave for the first seven (7) calendar days of the workers compensation leave. The employee will not be required to reimburse the County for this paid leave in the event the absence extends beyond twenty-one (21) calendar days.

(c) An employee in a leave without pay status will retain all accumulated sick and vacation leave while receiving workers’ compensation benefits.
(d) Temporary employees will go directly to a leave without pay status and will receive all benefits for which they are eligible under the Workers’ Compensation Act.

(e) Upon reinstatement, an employee’s salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by workers’ compensation benefits.

(f) Any period of leave without pay for a workers’ compensation disability that qualifies as a “serious health condition” under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

(g) Caldwell County’s personnel policies shall continue to apply to an employee on workers’ compensation leave in the same manner as they would apply to any employee who continues to work, or is absent while on some other form of leave.

Section 21. National Guard or Armed Forces Reserve Military Leave

Each regular salaried employee, occupying an officially budgeted position, who is a member of the National Guard or Armed Forces Reserve, will be allowed 10 workdays of military training leave annually, with partial compensation to make up to his or her regular salary.

If such military duty is required beyond this 10 workday period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

Members of the National Guard and Armed Forces Reserve shall receive leave with pay for periods not to exceed 30 consecutive calendar days each year for required active State and required active Federal Duty, such as declared wars and military aid etc.

For members of the National Guard and Armed Forces Reserve taking military leave with or without pay, the employee’s leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period.

Employees who are guardsmen and reservists have all job rights specified in the Uniformed Services Employment and Re-employment Rights Act (USERRA).

Approved: 7-21-03

Section 22. Civil 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 a leave with pay for the period of absence required. He/she is entitled to regular compensation, plus fees received for jury duty.

Section 23. Educational Leave
A leave of absence may be granted to an employee, who has been employed 2 years or more, upon the recommendation of the Department Head and the County Manager to permit an employee to take courses of study which will better equip the employee to perform his/her duties. An employee granted educational leave will be placed in a Leave Without Pay status during the period of educational leave.

With prior approval of the Department Head an employee may pursue a course of study. If the employee successfully completes the course, they shall be reimbursed for (fees and books). One course may be taken at a time that is related to an employee’s duties, or prepares the employee for promotional opportunities.

Approved: 5-17-2004
Effective: 6-1-2004

Section 24. Compensatory Time

A. Compensatory Time Off- Basic Work Week Employees

When a non-exempt employee works overtime (those hours in excess of 40 hours in a work week), compensatory time off will be given at the rate of one and one-half (1 ½) hours off for every hour of overtime worked. Compensatory time off should be given to the employee during the same pay period (month) in which the overtime was worked, but no later than the end of the next pay period (month).

Compensatory time off will be given to a non-exempt employee who has worked overtime, according to the above stated guidelines, in lieu of overtime compensation payment. However, in the event unused compensatory time has accrued to 240 hours (equal to 160 hours of overtime), overtime compensation must be paid, in lieu of compensatory time off, for those unused compensatory hours in excess of the 240 hours maximum accrual (according to the Fair Labor Standards Act governing State and Local Employees, White House Publication 1459, May 1985 and the November 1, 1985 Fair Labor Standards Amendments of 1985.)

Payment For Compensatory Time Upon Termination of Employment

A non-exempt employee will be paid for any accrued unused compensatory time upon termination at the final regular rate received by the employee.

Overtime hours times 1 ½ equals compensatory time

Compensatory time times regular hourly rate equals payment for compensatory time

B. Compensatory Time Off- Law Enforcement Employees
When a non-exempt law enforcement employee works overtime (those hours in excess of 171 hours in a 28 day work period), compensatory time off will be given at the rate of one and one-half hours off for every hour of overtime worked. Compensatory time off should be given to the employee during the following two 28-day work periods in which the overtime was worked. In extraordinary cases where this is not possible, it must be given to the employee within a reasonable amount of time to ensure accumulation of overtime is kept to a minimum.

Compensatory time off will be given to a non-exempt law enforcement employee who has worked overtime, according to the above stated guidelines, in lieu of overtime compensation payment. However, in the event unused compensatory time has accrued to 480 hours (equal to 320 hours of overtime), overtime compensation must be paid, in lieu of compensatory time off, for those unused compensatory hours in excess of the 408 hour maximum accrual (according to the Fair Labor Standards Act governing State and Local employees, White House Publication 1459, May 1985 and the November 1, 1985 Fair Labor Standards Amendments of 1985).

Payment For Compensatory Time Upon Termination of Employment

A non-exempt law enforcement employee will be paid for any accrued unused compensatory time upon termination at the final regular rate received by the employee.

Overtime hours times 1 ½ equals compensatory time

Compensatory time times regular hourly rate equals payment for compensatory time

Section 25. Breaks

It is recognized by Caldwell County that there are no legal obligations, rules or regulations regarding authorized breaks, other than lunch, during the workday. The Board of County Commissioners recognizes, however, that certain breaks in the daily schedule are necessary. It is understood that such breaks will be allowed only to the extent that they do not interrupt service to the public and the smooth flow of work. Employees and Department Heads will be responsible for service and work flow in their jobs and departments, respectively. Evaluation of job performance will be based, in part, on proper attention to these factors.

Section 26. School Involvement Leave

Employees are authorized eight (8) hours of leave without pay per year to attend various school functions in which their children are involved.
ARTICLE VII. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee who has successfully completed 6 months of the probationary period will normally be paid for accumulated annual leave upon separation, subject to the 240 hour maximum, provided notice is given to the supervisor at least 2 weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment of accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.
Attendance during the 2 weeks notice is required. If an employee is absent or sick during that time, a doctor’s excuse is required. Employees who are involuntarily separated may receive payment for accumulated annual leave subject to the 240 hour maximum and based on the individual circumstances as determined and approved by the County Manager.

Approved: 5-17-2004
Effective: 6-1-2004

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee’s performance as documented by current performance appraisals, organizational needs and seniority, in determining the employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks notice. No regular employee shall be separated while there are temporary employees serving in the same class in the department unless the permanent employee is not willing to transfer to the position held by the temporary employee.

Section 4. Disability

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

Section 5. Discipline and Dismissal

A. An employee may be reprimanded, suspended, demoted, or dismissed by the employee’s Department Head for just cause. All dismissals shall be preceded by an automatic three (3) day suspension without pay pending completion of an investigation by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee’s personnel folder.

Examples of just cause as relates to failure in performance of duties are:

(1) inefficiency, negligence or incompetence.
(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.

(7) habitual pattern of failure to report for duty at the assigned time and place.

(8) failure to obtain or maintain a current license or certificate required by law as a condition for performing the job.

Examples of just cause as relates to failure in personal conduct are:

(1) fraud in securing appointment.

(2) conduct unbecoming a public officer or employee.

(3) conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of “no contest” to either.

(4) misappropriation of county funds or property.

(5) falsification of county records for personal profit or to grant special privileges.

(6) reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary.

(7) willful damage or destruction to property.

(8) willful acts that would endanger the lives and property or others.

(9) acceptance of gifts in exchange for “favors” or “influence.”

(10) incompatible employment or conflict of interest.

(11) violation of political activity restrictions.
(12) refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).

(13) participation in any action that would in any way seriously disrupt the normal operation of the department, or any other segment of county government.

(14) possession of unauthorized fire arms or lethal weapons on the job.

(15) betrayal of confidential information from official records.

(16) trespassing on the home of any public official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.

(17) failure to report for assigned duties on at least three (3) consecutively scheduled work days without proper notification and approval of the appropriate supervisor, only if such notification/approval is reasonable possible.

B. An employee whose work is unsatisfactory over a period of time shall be notified by the Department Head in what way the employee’s work is deficient or unsatisfactory and the Department Head shall counsel the employee in what must be done to return the employee’s performance to a satisfactory level.

C. An employee who is reprimanded, suspended, demoted, or dismissed for unsatisfactory performance of duties shall receive at least three (3) warnings before disciplinary action is taken. First, one (1) or more oral warnings must be issued by the employee’s immediate supervisor. Second, if the oral warning does not result in improved performance, a written warning must be issued by the supervisor, specifying the employee’s performance deficiencies and the steps required to achieve satisfactory performance. Third, if performance still does not improve, a final written warning must be issued by the Department Head. A final written warning serves notice to the employee that corrective action must be taken immediately to avoid disciplinary action. The supervisor and the Department Head will record the dates of their discussions with the employee, the performance deficiencies discussed and the corrective actions recommended and file the information in the employee’s personnel file. The Human Resources Director and the County Manager will be kept informed of any employee’s disciplinary activity.

D. An employee may be reprimanded, suspended, demoted, or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee.

E. An employee may be suspended without notice by the Department Head for causes
related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee without notice, the employee shall be required to leave County property at once and remain away until further notice. The Department Head shall notify the Human Resources Director and County Manager immediately. A written summary giving 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 with the County Manager, and one (1) copy shall be filed in the employee’s personnel file.

F. Before any disciplinary action is taken, whether for misconduct or unacceptable performance, the Department Head shall provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action and a date and time for a predisciplinary conference. At this conference the employee may present any response to the proposed disciplinary action to the Department Head. The Department Head will consider the employee’s response, if any, to the proposed disciplinary action, and will, within three (3) working days of the predisciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of final disciplinary action shall contain a statement of the reason(s) for the action and the employee’s appeal rights. The County Manager and Human Resources Director will be provided with a written notice of action taken.

Section 6. Investigatory Suspension

A. Investigatory suspension without pay may be used to provide time to investigate, establish facts and reach a decision concerning an employee’s status. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a predisciplinary conference. Also, the County may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed 45 calendar days. If no action has been taken by management by the end of 45 calendar days, one of the following must occur, reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) day’s pay deducted from back pay.

B. Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee’s work status pending the resolution of a civil or criminal court matter involving the employee.

C. An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) day’s pay deducted from his or her salary. The decision to deduct pay is to be based upon management’s determination of the
degree to which the employee was responsible for or contributed to the reason for suspension. This period constitutes a disciplinary suspension without pay.

Section 7. Employee Appeal

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

Section 8. 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, with the approval of the Department Head and County Manager.

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.

Section 9. Death

All compensation due in accordance with the terminal pay section of Article VI of this Policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Section 10. Severance Pay

No Caldwell County employee shall be terminated except for cause, as “cause” is defined in Article VII, Section 5, of the Caldwell County Personnel Ordinance. Provided, however, that the County Manager and the Clerk to the Board of Commissioners, who serve at the pleasure of those elected officials, may be terminated without cause.

In the event that any Caldwell County employee, including the County Manager, the Clerk to the Board of Commissioners and employees of the Sheriff and the Register of Deeds, is determined to have been terminated without cause, such terminated employees shall be paid severance pay based on the following:

1, but less than 5 years employment  2 weeks
5, but less than 10 years employment  3 weeks
10, but less than 15 years employment  4 weeks
15, but less than 20 years employment 5 weeks
20, but less than 25 years employment 6 weeks
25, but less than 30 years employment 7 weeks
30 or more years employment 8 weeks

Provided, however, that in the event any terminated employee makes claim against Caldwell County for wrongful termination under any State or Federal Law, including, but not limited to, laws prohibiting discrimination in employment on the basis of age, sex, race, religion, handicap or disability, or the like, Caldwell County shall be entitled to a set off or credit against any damages, back pay, costs, attorneys’ fees or other amounts for which Caldwell County may be held liable in any such claim or action.

Approved: 7-21-03

Section 11. Health Insurance Portability Privacy Act (HIPPA)

The Privacy Rule, mandated by the Health Insurance Portability and Accountability act of 1996 (HIPAA), made significant changes in the protection of individually identifiable health information that is created, received and maintained in any form or medium by the County of Caldwell. Covered health care components within the County of Caldwell must comply with HIPAA regulations.

The County of Caldwell shall ensure compliance with HIPAA privacy requirements through the Caldwell County Personnel Ordinance.

Approved: 7-21-03
ARTICLE VIII. GRIEVANCE PROCEDURE

Section 1. Purpose

The grievance procedure provides an adequate and fair means for hearing matters of concern to County employees.

Section 2. Coverage

This grievance procedure applies to all departments and all employees of the County. A grievance is defined as any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the County.

Section 3. Policy

Every employee shall have the right to present a grievance in accordance with these procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the Department Head, Human Resources Director or County Manager to prepare a grievance.

Section 4. Grievance Committee

The Board of Commissioners shall appoint a Grievance Committee to consist of three (3) members. Members shall serve three (3) year staggered terms and may be
reappointed for one (1) additional term. Vacancies in an unexpired term shall be filled by appointment for the remainder of the term. Each member of the Grievance Committee shall be a person qualified to vote in Caldwell County and shall be known to be in sympathy with the merit principle of personnel administration. No person who has actively participated in the immediately preceding county election by seeking office; soliciting funds or votes in any manner on behalf of any candidate for county office; and no county employees or officer (or members of their immediate families) shall be eligible to serve on the Grievance Committee. At least one member of the Committee shall have experience in public or private personnel administration. Any member who becomes a candidate for political office or actively participates in a county election in the heretofore set forth shall be deemed to have vacated their position as a member of this Committee. This Committee shall meet at least one time per year to elect one of its members as Chairperson who shall preside at all meetings. Two members shall constitute a quorum. Meetings shall be held as necessary if a grievance filed by a county employee (not subject to the rules and regulations of the State Personnel Act) reaches the level described in Article VIII, Section D of the County’s Personnel Ordinance. Enacting the provisions of this section of the County’s Personnel Ordinance shall be the sole purpose of this

Committee. Members of the Grievance Committee shall serve without compensation. The County shall provide clerical and other support as necessary for the Grievance Committee to perform such duties as the Committee may direct.

Approved: 5-17-2004  Effective: 6-1-2004

Section 5. Procedure

A. Step One: An employee must file a grievance, either orally or in writing, with the immediate supervisor within 30 days of the date of the incident giving rise to the grievance. If the employee alleges sexual harassment by the immediate supervisor the employee may file the complaint with the Human Resources Director. If the grievance concerns an appeal of a dismissal, it shall be filed directly with the appointing authority. The immediate supervisor shall meet with the employee within 5 days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than 5 days following the meeting.

B. Step Two: If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Department Head within 5 days of receipt of the immediate supervisor’s written decision. The grievance shall state concisely the basis for the complaint and if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, nondisqualifying disability or age. The Department Head shall meet with the employee within 5 days of receipt of the Step Two grievance, shall review the
decision at Step One, and shall make an independent determination on the merits of the grievance. Within 10 days of the meeting with the employee, the Department Head shall issue a written decision.

C. Step Three: If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to either the Human Resources Director or the County Manager within 5 days of receipt of the Step Two decision. The Human Resources Director and/or County Manager will render a written decision within 15 days of receipt of the grievance. The decision of The County Manager shall be final. For employees of the Sheriff’s Department or Register of Deeds office, there shall be no appeal beyond the decision of the Sheriff or Register of Deeds.

D. Step Four. If the employee is dissatisfied with the response at Step Three, the employee may appeal to the Grievance Committee. The appeal must be in writing and include specific information concerning what is being appealed and the reasons why the appeal is being filed. The appeal should be submitted through the office of the Human Resources Director within 10 working days from the date the appellant was notified of the decision rendered by the Human Resources Director and/or the County Manager in Section 5, C. (Step Three). The appeal shall be forwarded to the Chairperson of the Grievance Committee immediately and no later than five (5) working days. Within 10 working days of receipt of the employee’s appeal by Chairperson of the Grievance Committee a public hearing of the Grievance Committee shall be convened to review all actions taken in Steps One, Two, and Three of the grievance procedure. In addition, the Grievance Committee shall have all powers necessary to complete investigation of the action taken, including the power to call and examine witnesses and papers.

Step 4 Approved: 5-17-04
Effective: 6-1-04

In a hearing before the Grievance Committee the County and the employee must produce evidence or testimony to justify or rebut the actions taken by the County regarding the employee. The employee must be given the right to submit evidence at the hearing and to examine all the evidence and to cross examine adverse witnesses. The employee has the right to be represented by a person of their choice. The Grievance Committee may hold as many sessions as necessary and shall hold an executive session in compliance with the open meetings statute for the purpose of making its decision.

The Committee shall keep an accurate record of all its proceedings, findings, and recommendations. The Committee shall inform the employee and the Board of Commissioners in writing of its decision with one copy sent to the employee by certified mail. There shall be no appeal from the decision of the Grievance Committee.

Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings not later than 30 days after receipt of notice of the County Manager’s decision, provided that the employee has obtained regular status in accordance with the rules and regulations of the State Personnel Commission. The decisions of the State Personnel Commission shall be binding in appeals of local
employees subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

Section 6. Maintenance of Records

All documentation, records and reports will be retained for a minimum of 3 years and shall be held by the Human Resources Director. These records will be subject to review by the grievant, the employee’s Department Head, the County Manger or the other appointing authority and the Board of County Commissioners.

Section 7. Other Remedies Preserved

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

ARTICLE IX. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

The County may provide individual hospitalization insurance to all employees occupying budgeted regular positions (30 or more hours per week). Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of 30 days (except those employees who begin work on February 1st, who will be eligible for benefits effective March 1st).

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

Individual hospitalization insurance provided for the employee by the County during regular pay status, will not be provided as County expense benefits during leave without pay, unless the employee is on the payroll a minimum of half the working days during the calendar month. The employee, however, may elect to pay the total premium for their hospitalization coverage during such periods of leave without pay when the County does not cover said premium.

Caldwell County will pay for 50% of the medical premiums for eligible employees who retire under the provisions of the North Carolina Local Governmental Employees Retirement System with at least thirty (30) years of employment in an agency or department of Caldwell County. This benefit is effective only so long as the retired employee is not employed elsewhere and is covered under that employer’s insurance plan. The retired employee must notify Caldwell County of any change in their insurance coverage status.
The effective date of this policy shall be July 1, 1999, in accordance with previous action of the Caldwell County Board of County Commissioners. The Board of County Commissioners will review this benefit annually and may, effective July 1st of each year, delete, modify, enhance or otherwise make changes to this benefit.

Cobra provides former employees and/or dependents continuation of group health plan coverage for up to 18 months or 36 months when specific events occur. In addition, federal law allows certain members to continue group health plan for up to 29 months when disabled. Former employees and/or dependents may have dental plan continuation for 18 months. Continuation of health and dental coverage, if chosen, will be at the employee’s own expense.

(last paragraph)
Approved: 5-17-2004
Effective: 6-1-2004

Section 2. Unemployment Insurance

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General assembly, local governments are covered by unemployment insurance. Caldwell County employees who are laid off or released from the County service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment insurance will be determined by the Employment Security Commission.

Section 3. Old Age and Survivor's Insurance (Social Security)

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

Section 4. Retirement Benefits

Each employee in a budgeted position, working a minimum of 1,000 hours per year, will be enrolled in the Local Governmental Employees’ Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system. Full details of the retirement benefit may be found in the booklet entitled Your Retirement Benefits published by the North Carolina Local Governmental Employees’ Retirement System.

Section 5. Death Benefits

If an employee dies while still in active service with at least one year as a contributing member of the Retirement System, the employee’s beneficiary will receive a
single lump sum payment. The payment is equal to the employee’s highest 12 months’
consecutive salary during the preceding 24 months, not to exceed $20,000. This benefit is
also paid if the employee dies within 180 days of the last day for which the employee was
paid a salary.

Section 6. Benefits - Other (Fixed)

    Caldwell County provides the following additional benefits to employees:

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

    B. Employee Assistance Program (EAP). Provides assistance to all employees

    and immediate family members in resolving family problems, alcoholism,
marriage difficulties, financial trouble, stress, drugs, depression, or any other
situation which may result in the deterioration of the employee’s job
performance and efficiency. The employee may independently seek assistance
or may, if appropriate, be referred to EAP by the supervisor.

Section 7. Benefits - Others (Flexible)

    Additional deductions or benefits may be allowed, at the option of the employee. Such
deductions may include but are not limited to:

    A. Section 401 (K) Plan. Provides an automatic employee contribution into a
supplemental retirement income plan.

    B. Deferred compensation plans. Provide supplemental long-term retirement
income as authorized by Section 457 of the Internal Revenue Code.

    C. Miscellaneous insurance.

    D. United States Savings Bonds

    E. Credit Union

    F. Flex Plan, 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.

Section 8. Law Enforcement Officers’ Separation Allowance

    The County shall provide a special separation allowance to qualified officers who
retire early or who leave service early and who meet all of the following qualifications:
1. The officer must have completed 30 years or more of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service.

2. The officer must not yet be age 62.

3. The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer (1) reaches age 62, (2) dies, or (3) is re-employed in any capacity by the State of North Carolina or any of its political subdivisions.

Section 9. Supplemental Retirement Income for Law Enforcement Officers

All Law Enforcement Officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

ARTICLE X. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

Any and all personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Director. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. The Human Resources Director is the designated custodian of any and all personnel records and files.

Section 2. Information Open to the Public

The following information on each County employee is public information but may only be disclosed by the Human Resources Director or a representative of the Human Resources Department:

A. Name
B. Age
C. Date of original employment or appointment to County service.
D. Current position title
E. Current Salary
F. Date and amount of most recent change in salary
G. Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification.
H. Office to which employee is currently assigned

Section 3. Access to Personnel Records
As required by General Statute 153A-98, any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to 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 General Statute 153A-98.

Approved: 7-21-03

Section 5. Remedies of Employees Objecting to Material in File

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

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

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

Section 7. Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with General Statute 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than $10.00 nor more than $500.00 as provided in General Statute 132-3.
ARTICLE XI. IMPLEMENTATION OF PERSONNEL POLICY BY ORDINANCE

Section 1. Conflicting Policies and Resolution Repealed

All policies, ordinances or resolutions that conflict with the provision of this Policy are hereby repealed.

Section 2. Severability

If any provision of this Ordinance or any rule, regulation or order thereunder or the application of such provision to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such remaining provisions of this Ordinance of such rules, regulations or orders to persons or circumstances other than those held invalid, will not be affected thereby.

Section 3. Effective Date

This ordinance shall take effect on the ____ day of ____, 1998.

Adopted by the Board of County Commissioners, Caldwell County, State of North Carolina, on this ____ day of ____, 1998.

________________________________________________________________________
Chairman
Caldwell County Board of Commissioners

ATTEST: _________________________
Clerk to the Board