



Randolph County Employee Policies and Procedures Manual

**Adopted by Resolution: February 9, 2026
Effective Date: March 1, 2026**

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INTRODUCTION

SECTION 1. POLICY STATEMENT

The Board of County Commissioners believes that the County should be a model employer for the community, setting operating objectives and management practices to assure maximum productivity and service to the community for each public dollar spent. These practices include selecting County employees on the basis of merit and fitness and providing working conditions and training and development opportunities to maximize employee potential in providing services. This Policy is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

In the event that any Article, Section, paragraph or provision of this Policy is held to be void or unenforceable under any law, regulation or court ruling, all other Articles, Sections, paragraphs and provisions hereof shall remain enforceable in full force and effect.

These are the official written personnel policies of the County.

These policies and procedures cannot alter, modify, or otherwise change any controlling legal documents, rules or General Statutes in any way, nor can any right accrue by reason of any statement or omission of any statement in this document, except as specifically stated.

SECTION 2. EFFECTIVE DATE

The policy that was approved by resolution on November 7, 2016 with an effective date of December 1, 2016 was repealed as of March 1, 2026. This is the new policy, which was adopted by resolution February 9, 2026 and is in full effect as of March 1, 2026.

As policies change but mandate a "grandfather status" for certain groups of employees, such grandfather status will be noted in the heading of the policy section such as: Retiree's Health Insurance Benefits Policy, Modified 10/3/11. Employees hired on or before 10/3/11 are grandfathered into the provision of the previous policy. See Human Resources for a copy of the policy in effect prior to 10/3/11.

SECTION 3. EMPLOYMENT-AT-WILL POLICY

Randolph County does not offer tenured or guaranteed employment. Either the County or the employee may terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this Policy Manual or any verbal statement to the contrary. This policy of employment-at-will may not be modified by any employee and shall not be modified in any publication or document. No entity except the Board of Commissioners can enter into any kind of employment relationship or

agreement that is contrary to the previous statement. To be enforceable, the arrangement reflecting such relationship or agreement must be in writing; having first been lawfully adopted by the Board and lawfully executed by the County.

SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

Randolph County maintains an equal employment opportunity policy and does not discriminate in hiring practices or terms and conditions of employment. All applicants and employees receive equal employment opportunities and all personnel decisions, actions and conditions affecting employees, including, but not limited to assignment, transfer, promotion and classification will be governed by the principles of equal opportunity. Employment decisions (recruitment, examination, appointment, training, promotion, retention or discipline) are made without regard to age, race, sex, including gender identity, sexual orientation, and the status of being transgender, religion, color, national origin, or disability.

Article I: Organization of Human Resources System

SECTION 1: PURPOSE

The purpose of this Policy is to establish a Human Resources system which will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees.

SECTION 2: COVERED EMPLOYEES

All employees in the County's service shall be subject to this Policy, except as provided in this section. The following are exempt from this Policy:

- Elected Officials
- County Manager
- County Attorney
- Consultants
- Contractors
- Volunteers
- State Employees of the North Carolina Cooperative Extension Service

The following employees are covered only by the specifically designated Articles and Sections:

- Health and Social Services employees are subject to all provisions of this Policy except those that conflict with North Carolina G.S. 126 or rules and regulations as established by the State Human Resources Commission.

- The Director of Elections shall be subject to all Articles except Articles IV, VIII, and IX.

SECTION 3: EMPLOYEES OCCUPYING GRANT FUNDED POSITIONS

The purpose of this section is to establish the County's responsibilities to employees in positions funded through the use of grant funds rather than County funded positions.

Applicability

This policy applies to all employees in positions supported by grant funding. This includes positions that are partially and fully grant supported positions.

Grant Funded Positions

Grant Managers must follow all Human Resources classification, compensation and recruitment policies and procedures for any position. Grant employees are employed at-will and are not eligible for covered status, or any right to compensation beyond the date of termination of the grant or their appointment to a position with Randolph County. All grant funded positions are contingent upon receipt of grant funding specifically for that purpose. All grant positions must be created by the Board of Commissioners and are set to expire when grant funding expires (with the ability to extend in cases when grants are extended). Grant-funded positions can be full-time or part-time.

Grant funds must be included in the adopted budget ordinance or approved through a budget amendment. No other County funds may be used to pay the salaries and/or benefits of employees occupying grant positions without the prior approval from the Randolph County Commissioners. Positions that have received time limited Board of Commissioners approval to fund any portion of the salary and benefits need to be added to each approved years' annual budget and have an end date assigned where that position is set to expire. Should the department wish to convert the grant-funded position to a County-funded position, the budget process for requesting a position must be followed.

Grant-funded employees may only perform work that is allowable by the grant, for partially grant-funded positions, employees must perform grant-funded work at a level proportionate to the level of grant funding for the position. It is the responsibility of the employee to maintain time and effort reports accurately reporting work performed for grant certification purposes.

Benefits

In situations where the grant covers 100% of the grant-funded employee costs and benefits are an allowable use for the grant funds, grant-funded employees may be eligible for the following benefits:

- Earned leave as set forth in the County's Leave Policy from the date of hire. If an employee in a grant-funded position is allowed to earn vacation leave, when the employee separates service in good standing, the employee shall be entitled to

receive a payout of earned vacation leave in the same manner as employees in non-grant-funded positions.

- Group Health Insurance, Group Dental Insurance, Vision, and Flexible Spending Account Benefits and all other ancillary benefits the County may offer. These benefits become effective the first day of the month following a thirty (30) day waiting period.
- Become a member in the North Carolina Local Governmental Employees' Retirement System upon date of hire.
- Additional benefits as designated in the Benefits policy in the same manner as a regular employee.

In situations where the grant covers less than 100% of the grant funded employee costs, grant funded employees are only eligible for benefits based on funding approval by the Randolph County Board of Commissioners.

Compensation

As long as employee compensation costs are fully allowable, and the grant budget can cover costs:

- Salaries for grant-funded positions must follow the County's Compensation policy and procedures to ensure consistency amongst all employees with similar education and experience above the minimum qualifications for the position.
- Grant-funded employees will be eligible for any annual salary increase the County provides to regular employees, to include a cost-of-living increase, as long as the increase is funded fully by the grant. Grant managers are not allowed to provide a salary increase outside of what the County has provided to regular employees.
- Grant-funded employees are not entitled to any type of severance pay when their appointment ends.
- Changing from a regular appointed position to a grant-funded position. A covered employee may be hired through the County's recruitment process into a grant-funded position under the condition that the appointment is voluntary. A regular employee who voluntarily accepts a change of status into a grant-funded position will forfeit their covered service status and is not eligible for severance when the grant ends.

SECTION 4: DEFINITIONS

Appointing Authority - Any board or position with legal or delegated authority to make hiring decisions.

Full-time Employee/Position - A position approved by the Board of County Commissioners in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring full-time employment of an individual. The actual hours worked average 30 or more hours per week. Full-time employees are eligible to receive all County offered benefits.

Immediate Family Member - An employee's spouse, parent, child(ren), sibling, grandchild(ren) and grandparent. Adopted, half, in-law and step members are also included in immediate family.

Part-time Auxiliary Position/Employee - A part-time auxiliary position may be created and approved by the Board of County Commissioners or by the County Manager (or his designee); provided, however, that the County Manager (or his/her designee) may only approve such a position when funds are available in a department's budget for this purpose. These positions are established to provide auxiliary coverage for a specific department. An auxiliary position is not eligible for any County benefits and has no appeal rights. An employee in this position works no more than 19.23 hours per week (less than 1,000 hours annually). An auxiliary employee works on an as needed basis to supplement the work of a department. Unless created/approved by the Board of County Commissioners, an auxiliary position may be removed at any time.

Part-time Benefitted Position/Employee - A position approved by the Board of County Commissioners in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring part-time hours averaging between 19.23 hours per week to no more than 29 hours per week. A part-time benefitted employee is eligible to and shall participate in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) and is also eligible to participate in the 401(k) and 457 Deferred Compensation retirement plans. No other benefits are offered, and a part-time benefitted employee has no appeal rights.

Part-time Position/Employee - A position approved by the Board of County Commissioners in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring part-time hours averaging not more than 19.23 hours per week. Part-time positions/employees have no benefits and no appeal rights.

Probationary Employee - An employee hired into a full-time or part-time position who has not yet completed the probationary period of employment, as defined in Article IV, Section 5 of this policy.

Regular Status - An employee achieves regular status when he/she has successfully completed his/her probationary period.

Temporary Position/Employee - An employee in a position which the duties and responsibilities are typically required for less than (12) months and who will work an average of less than 30 hours per week. Under no circumstance will a temporary employee average 30 hours or more hours per week in a 52-week period. Temporary positions may be established to perform job duties that are temporary in nature, or a temporary position may be established to evaluate the value and effectiveness of a job

and decide if the job should be made permanent. If the department head determines that the position should be made permanent, he/she will make this request to the BOCC (typically during the annual budget process). Temporary positions may be approved by the County Manager; provided, however, that the County Manager (or his designee) may only approve such a position when funds are available in a department's budget for this purpose. Temporary employees have no benefits and no appeal rights.

SECTION 5: ROLES AND RESPONSIBILITIES

It is the responsibility of the Board of Commissioners to approve human resources policies, including the classification plan and salary schedule, and make and confirm appointments when so specified by law.

County Manager

It is the responsibility of the County Manager to administer the human resources program. The duties and responsibilities of the County Manager in administering the human resources program are primarily to appoint, suspend and remove all County officers and employees, except those elected by the people or whose appointment is otherwise provided for by law, in accordance with Chapter 153A-82 of the General Statutes of the State of North Carolina. The County Manager may either perform the human resources functions him/herself or appoint a Human Resources Director as his/her designee. Human Resources functions include the preparation and maintenance of the human resources policies and procedures, the position classification plan and the salary schedule, and the performance of such other duties in connection with the human resources program as the County Commissioners and County Manager shall require.

Human Resources Director

It is the responsibility of the Human Resources Director to apply, interpret and carry out the policy and procedures adopted as directed by the County Manager and as defined in the Human Resources Director job description.

County Employees

It is the responsibility of all county employees to comply with the content of this Policy Manual. Other responsibilities are, but not limited to, the following:

- A. Maintaining a neat, well-groomed and appropriate business appearance while on duty for the County.
- B. Reporting to work on time and notifying the Supervisor as soon as possible when late arrival is necessary.
- C. Reporting to work physically, mentally and emotionally prepared to do his/her job in a professional manner.

- D. Conducting themselves in a professional, business-like manner, avoiding loud or disruptive behavior or discussing personal problems within the hearing range of visitors.
- E. Handling their personal issues in private and not permitting personal obligations to extend to the business premises.
- F. Behaving in a manner that engenders mutual respect and treating each other and the public with courtesy and civility regardless of position or status. This is true even in situations of high pressure and urgency.
- G. Following safety and health practices in the performance of their duties and responsibilities and adhering to operational requirements and training as provided.
- H. Striving to perform duties and responsibilities more effectively every day, learning more about the work and how to improve by asking questions and reading related materials, and submitting ideas for suggested improvements to the Supervisor and/or Department Head.
- I. Accessing confidential information for work purposes only and protecting any confidential information received.
- J. Presenting a positive public image for Randolph County and its services by serving the public in a professional way that projects courtesy and a helpful attitude.
- K. Conducting themselves as law abiding, ethical citizens.
- L. Resolving problems and conflicts by going to the person responsible, ensuring that departmental problems remain within the Department and not become gossip.
- M. Reporting to the Department Head or Human Resources Director inappropriate, illegal, or unethical behaviors such as safety violations, discriminatory actions, unlawful workplace harassment, etc. Employees making such reports shall be afforded protection (see Whistleblower Policy).

SECTION 6. PUBLIC RECORD REQUESTS FOR PERSONNEL FILE INFORMATION

Except for disclosures to authorized persons processing personnel actions, all disclosures shall be accounted for by keeping a written record of the following information: name of employee, information disclosed, and date information was requested. This information must be retained in accordance with the County's records retention and Disposition Schedule. Upon request, records of disclosure shall be made available to the employee to whom it pertains. Any costs associated with copying personnel records will be charged to the requesting party.

SECTION 7. CONFIDENTIAL EMPLOYEE INFORMATION/ACCESS TO PERSONNEL RECORDS

All personnel records are maintained by the Human Resources department. All information contained in the employee's personnel files, other than the information subject to public record as defined by general statute will be maintained as confidential in accordance with statute requirements and shall be open to inspection only in the following instances: *(Former employees are subject to the same access guidelines listed below.)*

- A. The employee or his duly authorized agent may examine all portions of his personnel file, except letters of reference solicited prior to employment and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient. This is not kept in the personnel file, but in a confidential file.
- B. A licensed physician may examine the employee's medical record when authorized in writing by the employee to do so.
- C. A County employee having supervisory authority over the employee may examine all material in the employee's non – confidential personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's non – confidential or confidential personnel file.
- E. An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a non-confidential personnel file when such information is deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability, unless divulged pursuant to court order as provided in Item D above.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity. A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

Human Resources maintains a separate personnel file for all employees which may include the following sensitive and confidential information: drug screen chain of custody forms and background screen results. The confidential folder is available only to Human Resources and the employee or in accordance with item D above.

SECTION 8. PENALTIES FOR VIOLATING PERSONNEL RECORD CONFIDENTIALITY GUIDELINES

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes.

Any public official or employee, not specifically authorized to have access to a personnel file, who knowingly and willfully examines it in its official filing place or removes or copies any portion of a personnel file shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes.

SECTION 9. DESTRUCTION OF PERSONNEL RECORDS

No public official or employee may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with the County's Records Retention and Disposition Schedule. Any public official or employee who unlawfully removes a public record from the office where it is usually kept, or who alters, defaces, mutilates or destroys it shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes

SECTION 10. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

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

ARTICLE II. CLASSIFICATION PLAN

SECTION 1. POLICY STATEMENT AND ADOPTION

All positions covered in the classification plan are classified according to their duties, responsibilities, qualifications and other related factors. The classification plan is reviewed and updated annually. The Board of County Commissioners adopts the classification plan annually.

SECTION 2. DEFINITIONS

Class (aka classification or classification specification) - A 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 grade.

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

Position (aka job description) - A group of current duties and responsibilities, assigned by competent authority, requiring full- or part-time employment.

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.

Salary Grade (aka pay grade) - The assignment of a salary range to a specific location (label) within the Classification Plan.

Salary Range (aka pay range) - The minimum and maximum pay rate for a given classification. The minimum pay rate is also called Base pay. Each salary range is assigned to a salary grade (label) within the Classification Plan.

SECTION 3. ALLOCATION OF POSITIONS

Upon recommendation of the Human Resources Director, the County Manager shall allocate each position covered by the classification plan to its appropriate class and pay grade in the plan.

SECTION 4. ADMINISTRATION OF THE CLASSIFICATION PLAN

The Human Resources Director, as the County Manager's designee, shall be responsible for the administration and maintenance of the classification plan to accurately reflect the duties performed by employees in the classes to which their positions are allocated.

Upon classification, each position shall be assigned to a pay grade in the classification plan.

Department Heads shall be responsible for bringing to the attention of the Human Resources Director the need for new positions and/or any material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

SECTION 5. AMENDMENT OF POSITION CLASSIFICATION PLAN

The classification plan may need to be amended as time passes to meet the changing needs of the County organization. Classes, grades and pay ranges, as well as positions within classes, grades and pay ranges, may need to be added to or deleted from the plan. Furthermore, it may be necessary to reclassify existing positions. The procedures and approvals necessary for effecting such changes are outlined below.

A. Addition or Deletion of Classes

1. Addition of Classes
 - a. When a Department Head believes that a new class is needed, either to add a new type of work or to reflect additional levels of work within an existing series of classes, he shall furnish the Human Resources Director with a written statement of proposed duties for the new class, along with any other information deemed necessary. The Human Resources Director shall review this information to see where the new class would fit within the classification plan. Once this is done, the Department Head or the Human Resources Director can present the request for the addition of the class to the Board of County Commissioners for approval.
 - b. If the Department Head determines that a new position(s) is needed for this new class, he/she shall consult the County Finance Officer as outlined in B.1.a below.
 - c. If the Department Head determines that an existing position should be reclassified to the new class, he/she should consult the County Finance Officer as outlined in C.3 below.
2. Deletion of Classes
 - a. From time to time, a review of the classification plan may reveal that a given class is no longer necessary. When this occurs, the Human Resources Director may present the Board of County Commissioners with a request to delete the unnecessary class.

B. Addition or Deletion of Positions

1. Addition of Position Within Existing Class or New Class
 - a. When a Department Head determines that he/she need a new position within an existing class, he should consult with the County Finance Officer regarding the source of financing for the new position. After doing so, the Department Head may present the request for the new position to the Board of Commissioners for approval.
 - b. When a Department Head determines that he/she needs a new position(s) for a new class (see A.1. above), he/she should consult with the County Finance Officer regarding the source of financing for the new position. After determining the source of financing, the department head or the Human Resources Director may present both the request for the addition of the new class, along with the request for a new position(s) to the Board of County Commissioners.
2. Deletion of Position Within Existing Class
 - a. When a Department Head determines that a position should be deleted from an existing class, he should consult with the County Finance Officer before doing so. The position may be deleted by the Human Resources Director with approval from the County Manager.

C. Reclassification of Positions

1. When a Department Head believes that a given position needs a new job description due to substantial changes in the level of duties and responsibilities, he shall submit a new detailed job description in writing to the Human Resources Director, along with justifications and recommendations on a completed Position Classification Action Form. A position reclassification is a change in the job duties of the position, not a change in the status of the position as full-time, part-time, temporary, etc. Reclassification requests may be presented by a supervisor other than the Department Head, but the Department Head must approve the request prior to forwarding it to Human Resources.
2. The Human Resources Director shall review the recommendation and, within 10 business days, shall approve or disapprove the reclassification of the position to an existing class. If the position does not fit within an existing class, the procedure for the addition of a new class (paragraph A.1. above) should be followed.
3. If the recommendation of the Human Resources Director is to reclassify the position(s) to a higher salary grade, the department head should consult the Finance Officer regarding the source of financing for the reclassification.

ARTICLE III. THE PAY PLAN

SECTION 1. ADOPTION

The pay grades for all classes, as approved by the Board of County Commissioners, are hereby adopted as the pay plan for Randolph County.

SECTION 2. DEFINITIONS

Demotion - The reassignment of an employee to a position or classification having a lower salary range than the position or the classification from which the reassignment is made; or the reduction in pay of an employee without also reassigning the employee to a position or classification having a lower salary range.

Grade (aka Salary Grade or Pay Grade) - All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words "class," "grade," "level" and "range" are used interchangeably.

Maximum Salary Rate (aka Maximum Pay Rate) - The maximum salary authorized for an employee within an assigned grade.

Minimum Salary Rate (aka Base Pay or Minimum Pay Rate) - The minimum salary authorized for an employee within an assigned grade.

Merit Increase - An increase in salary within the same grade, based on meritorious performance of duties.

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.

Pay Plan Revision - The uniform raising and lowering of the salary ranges of every grade within the pay plan.

Salary Range (aka Pay Range) - The minimum and maximum pay rate for a given classification. The minimum pay rate is also called Base pay. Each salary range is assigned to a salary grade (label) within the Classification Plan.

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

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

Work-Against - An employee who does not meet the specific qualifications of the vacant position and who is hired when suitable qualified applicants are not available. A work-against designation is made to allow the employee to gain the qualifications needed for

the full class through on-the-job experience. The Human Resources Director must approve a work-against hiring.

SECTION 3. ADMINISTRATION

The County Manager shall be responsible for the administration and maintenance of the pay plan.

The Human Resources Director shall make comparative studies of the factors affecting the level of salary ranges and shall recommend such changes as appear to be warranted in order to ensure that the plan:

- is externally competitive;
- maintains proper internal relationships among all positions based on relative duties and responsibilities; and
- recognizes performance as the basis for pay increases within the established salary range.

The classification and pay plan shall meet the requirements of the Office of State Human Resources for those employees subject to G.S. 126.

SECTION 4. HIRING RATE/STARTING SALARY

Hiring rates are determined using multiple factors, including, but not limited to, education and experience required for the position, market conditions, internal equity where applicable and budget constraints. When an applicant meets the minimum requirements, the hiring rate will be the minimum of the grade. When an applicant exceeds the minimum requirements and those requirements are needed for the position, concessions will be allowed to hire that applicant at a higher starting salary than range minimum. Above-the-minimum appointments will be based on such factors as the applicant's qualifications where they exceed the minimum experience requirements for the position and market recruitment conditions such as job market competitiveness, talent pool, etc. Hiring managers must consult with the Human Resources Director to determine hiring rates. Any request to hire at approximately 15% or more above the range minimum (Step 15 and higher) must be approved by the County Manager. Any appointment above the mid-point of the salary range may be approved by the County Manager with notice to the Board of County Commissioners.

SECTION 5. SALARIES BELOW MINIMUM

Individuals appointed or promoted to a class when they do not possess all the established requirements for the class, shall be paid at a rate below the minimum of the salary range as determined by the Human Resources Director. These assignments are referred to as "Work Against" appointments and allow the employee the time necessary to gain the work experience necessary to meet the class requirements. An employee in a work-

against status shall continue to receive a reduced salary until the Department Head and the Human Resources Director determine that the individual meets all requirements and is ready to assume the full responsibilities as defined in the job description for the position.

SECTION 6. SPECIAL CONSIDERATIONS – SHERIFF’S OFFICE

With respect to initial hiring rates, the Sheriff's Office has adopted a "New Hire Appointment and Salary Progression" plan that covers the hiring rates of deputies and detention officers. As long as the parameters of this plan are followed, the Sheriff's Office is not subject to the limitations contained in Section 4 above. Any intent to hire at a rate outside of these parameters must be approved by the County Manager in accordance with policy.

SECTION 7. PAYMENT AT A LISTED RATE

All employees covered by the pay plan shall be paid at a listed rate within the salary ranges established for their respective job classes, except for employees in a work against status. When an employee attains the maximum rate of a salary range for his present position, no further base pay salary increase will be received unless the position is reclassified, the employee is promoted to another position with a higher salary range, the salary range for the present position is increased, or the increase is due to an across-the-board cost-of living-salary increase.

An employee who is at the maximum rate of a salary range for his present position is eligible to be considered for merit at his regular performance evaluation time. Merit shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit shall be awarded in a lump sum payment, less applicable deductions, and will not become part of base pay. Funding for merit is subject to annual review and appropriation by the Board of County Commissioners.

SECTION 8. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION

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

- A. When a promotion occurs, if the employee's salary is below the new minimum, it shall be at least increased to the minimum rate of the salary range assigned to the class to which he is promoted. If an employee's current salary is already above the new minimum salary rate, his salary may be increased in accordance with the new responsibilities being assigned to and required of that employee. Promotional increases, whether to someone whose current salary is below the new range or already within the new range will be determined on a case-by-case basis and will typically fall within a 5-10% increase in salary. Hiring managers must consult with the Human Resources Director to determine promotional increases.

Any promotional increase at approximately 15% or more above the range minimum (Step 15 and higher) must be approved by the County Manager, unless the increase is necessary to reach the minimum rate of the salary range for the new position.

- B. An employee who is demoted (voluntary or involuntary) to a position in a class with a lower salary range will have his salary adjusted to be within the salary range of the lower class. If the demoted employee is fully qualified for the new class, the Department Head may recommend to the Human Resources Director and the County Manager that the employee's salary not be decreased, provided the salary does not exceed the maximum of the new salary range. The Human Resources Director and the County Manager will make a final determination on the pay level of a demoted employee taking into consideration the qualifications of the employee, the circumstances that caused the demotion and available funding.
- C. When a transfer occurs from a position in one class to a position in another class assigned to the same salary range, the employee shall continue to receive the same salary.
- D. When an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum of the new salary range. If the employee's current salary is already above the minimum salary rate, his salary may be increased approximately 5% or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

SECTION 9. PAY RATES IN SALARY RANGE REVISIONS

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

- A. When a class is assigned to a higher salary grade, employees in that class shall receive a pay increase of approximately 5% or an increase to the minimum of the new range, whichever is higher.
- B. When a class is assigned to a lower salary grade, 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 established for the new class, the salary of the employee shall be maintained at that level until such time as the pay range is increased above the employee's current salary.

SECTION 10. PROFICIENCY PAY

The Proficiency Pay program sets the standard job rate for all full-time regular positions at Step 18, which is approximately 18% from the minimum or base pay of the salary grade

to which a position is assigned. An employee will be eligible for proficiency pay increases, as his/her work experience and expertise increase, and he/she becomes more proficient in performing his/her job duties. Proficiency pay increases are typically at 6-month and annual performance evaluation dates, although these dates may be extended for extenuating circumstances. Proficiency pay is not automatic or guaranteed. An employee must be in good standing and meet or exceed work requirements. *(Adopted as a stand alone policy July 1, 2023, now incorporated herein.)*

SECTION 11. OVERTIME—FAIR LABOR STANDARDS ACT

- A. The County abides by all applicable sections of the Fair Labor Standards Act and all applicable amendments. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Randolph County who are non-exempt under the Fair Labor Standards Act, except as indicated in Item D below.
- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work in excess of their assigned hours, unless they are scheduled to work, without receiving prior approval from their immediate Supervisor, Department Head, or County Manager, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate Supervisor of the overtime worked as soon as practical following completion of the work.
- C. Except when approved to be paid as cash compensation as described in D and F below, non-exempt employees receive compensatory time off at a rate of one-and-one-half (1 ½) hours for each hour of overtime worked in lieu of cash compensation for overtime worked.
- D. Exempt employees of the Randolph County Sheriff's Office receive Exempt Time at the rate of one (1) hour for each hour of overtime worked. *(Approved as a stand alone policy on August 4, 2025, now incorporated herein.)*
- E. The maximum number of compensatory hours that can be accumulated for full-time 40-hour employees is 90 (not more than 60 hours of actual overtime worked.) Eligible employees who qualify for the 7(k) exemption in Public Safety positions may accumulate up to 180 hours (not more than 120 hours of actual overtime hours worked.) Compensatory balances are reviewed by payroll multiple times throughout the year. At any time during the fiscal year, the County Manager has the authority to enforce mandatory payouts of any balance above the maximum allowable hours to be banked. Any payouts must be absorbed within the department's current budget. No extra funds will be made available to cover excessive compensatory time balance payouts during a fiscal year. Excess compensatory balances will not carry over from one fiscal year to the next.

- F. Employees wishing to use accrued compensatory time must make a written request to their immediate Supervisor. Use of such time will be allowed as requested unless the use will unduly disrupt the operations of the County.
- G. Department Heads are responsible for ensuring that overtime hours are duly authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with established record-keeping forms and instructions. Department Heads are responsible for administering their compensatory policies by scheduling employees to take accrued compensatory time in a timely manner so that compensatory hours will not accrue to excessive levels. Employees must use compensatory time before the use of other leave time including sick, vacation, holiday (Emergency Services and Sheriff's Office) or personal leave. In situations in which compensatory time off is not practical, employees will be paid in cash for overtime; however, overtime cash compensation must be approved by the Human Resources Director and County Manager.
- H. Accumulated compensatory time will be paid upon termination of employment and shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

SECTION 12. EMERGENCY PAY

In the event of a significant disaster or emergency, the County Manager may authorize emergency pay for essential employees, determined by the Department Heads, to perform emergency work activities beyond their typical work assignments. In these circumstances, the County Manager may approve non-exempt employees under the Fair Labor Standards Act to be paid monetary compensation rather than compensatory time for hours deemed to be overtime. Exempt employees, other than Department Heads, may be authorized for emergency pay on an hour-for-hour basis.

SECTION 13. PAYROLL DEDUCTIONS

Federal and state income taxes, Social Security tax, withholding court-ordered garnishments such as child support payments (upon receipt of appropriate notices to withhold or by other order of a court of competent jurisdiction), and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. Credit Union deductions, insurance premiums and other deductions requested by the employee not paid by the County may also be deducted. Because these deductions are calculated on the basis of information provided by the employee, it is mandatory that the employees keep the County informed of their personal status for withholding purposes.

SECTION 14. CALLBACK PAY

Any County employee eligible to receive overtime compensation under this policy will be guaranteed a minimum payment of two (2) hours wages for being called back to work outside of normal working hours.

“Work outside of normal working hours” DOES NOT include: A prearranged-on call schedule. If an employee is “on call” and takes a call for 15 minutes, the employee is paid for 15 minutes. If the employee has to go into the office or to a site for 1.5 hours, the employee is paid for 1.5 hours. Employees do not receive a minimum of 2 hours pay for each on call issue to which they respond.

“Being called to work outside of normal working hours” DOES NOT include: Annual Benefits Enrollment meetings, Wellness Fairs, department staff meetings, department trainings, Biometric Screenings, Health Coaching or the like. These are functions of doing business and many are optional. Many of these types of meetings are offered at various times where employees can schedule these during normal working hours. If an employee attends one of the above type meetings on his or her day off, then the employee is paid for the time they are attending, not a minimum of two hours.

“Work outside of normal working hours” DOES include: An emergency at a department that requires nonexempt staff to respond after the end of the normal working day (and outside of any “on call” responsibilities). Examples of this are a server malfunction that needs an immediate fix or lightning strike to a building and maintenance has to meet officials at the scene.

SECTION 15. PAYROLL PROCEDURE

All salaried and the majority of hourly employees will be paid on a semi-monthly basis with the 15th and the last calendar day of the month as paydays. If a payday falls on a Saturday, Sunday or holiday, employees will be paid on the last working day prior thereto. Some part-time hourly employees are paid on an alternative schedule as established by the Human Resources Director and County Manager.

SECTION 16. EFFECTIVE DATE OF SALARY ADJUSTMENTS

Salary adjustments shall become effective the first day of the next pay period (either the 1st or 16th of the month) for promotions, demotions and merit increases. An employee’s annual performance evaluation date will change for a promotion or demotion.

Hire dates will not change during the course of employment. The County has two hire dates per month: 1st and 16th. All hire dates will coincide with the 1st or 16th. Should the 1st or 16th fall on a weekend or holiday, the actual date will be used (2nd, 3rd or 17th, 18th).

SECTION 17. IMPROPER OR UNLAWFUL DEDUCTIONS FROM PAY

Every effort is made to ensure that compensation and pay checks are properly computed and calculated. It is against our policy for any employee's wages to have improper or unlawful deductions. If you believe that your pay is incorrect or that an improper or unlawful deduction was made to your wages or salary, immediately contact the Human Resources Director and/or the Payroll Specialist. Our payroll department and/or human resources department will investigate the matter, make corrections as appropriate, and make prompt reimbursement as required.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR part 541, and pursuant to Federal Regulations 29 Part 541.710, (employment under the rules of public accountability) may be reduced or be subject to deductions only under certain conditions. Supervisors should contact human resources prior to making deductions to an exempt employee's pay to ascertain whether or not the deduction is legal.

ARTICLE IV: RECRUITMENT AND INITIAL EMPLOYMENT

Randolph County is committed to the principles of equal employment. It is the policy of the County to maintain a systematic, consistent, current policy to promote equal employment opportunities and to identify and attract the most qualified applicants for employment with the County. County practices and employment decisions regarding recruitment, hiring, assignment, promotion and compensation will be consistent within the County.

Background Records Check

The finalist for a position will be asked for information so that a full and complete disclosure of records pertaining to the applicant's education, previous employment, and criminal records background check may be verified. A final condition precedent to employment is successful completion of the background check.

Additionally, an applicant, either internal or external, who is the finalist for a position that involves working with children in any capacity will be subject to a criminal history record check in accordance with North Carolina General Statute 153A-94.2(b).

SECTION 1. POSITION VACANCY POSTINGS

Vacant positions should be reviewed by the Department Head and the Human Resources Director to determine if the position is appropriately classified, if the position should be filled and whether a current employee should be promoted to this position. If the vacancy proceeds to recruitment, the hiring supervisor will work with Human Resources on how the posting and recruitment should be handled.

Internal Postings

Positions are to be posted internally for five (5) working days for promotional considerations. A copy of the posting should be provided to the Human Resources Department to document the posting. When a vacancy for a position occurs within a department, employees who meet the minimum qualifications may apply for that position. An employee's performance evaluations and all other work records shall be carefully examined in determining if he/she is the best fit for the position.

External Postings

Positions which are advertised externally shall be advertised (open to recruitment) for a minimum of five (5) working days. When circumstances warrant, the five (5) working day internal and external vacancy announcements may be posted concurrently. All positions advertised externally are posted on the County website and with the local office of the North Carolina Division of Employment Security and as determined appropriate, advertised through the media, schools, and professional sources. Departments have the option to advertise in various publications at their own expense. Any person inquiring about positions should be referred to the County website for information.

Positions Filled Without a Posting

From time to time, positions are filled for a short period of time with a temporary employee (less than 12 months). The need for such positions typically does not warrant a formal recruitment process.

SECTION 2. APPLICATION PROCESS

An application form will be accepted for any position vacancy. An application will be required for internal job applicants, as well as all external job applicants. All applications for external recruitment must be channeled through the Human Resources department or the application will not be given consideration for employment. (Exceptions: Sheriff's Office and Register of Deeds).

Applications will only be accepted for recruited openings. The County does not accept general applications to be held on-file. All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment in a job that is being recruited.

After the advertisement period ends, Human Resources shall review all applications and forward the best qualified candidates to the hiring supervisor.

SECTION 3. QUALIFICATIONS STANDARDS

To be considered, all applicants shall meet the employment standards established by the position's class specification / job description. Consideration may be given to work against appointments when the Human Resources Director, in conjunction with the hiring supervisor, determines that there is an insufficient pool of qualified applicants from which to make a selection.

When qualified and suitable applicants are unavailable, an appointment may be made below the level of the regular classification as a work-against appointment for the purpose of allowing the employee opportunity to gain the qualifications needed for the full class through on-the-job experience. The applicant must meet the minimum education 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 without the prior approval of the Human Resources Director. When an applicant is selected to a work-against appointment to fill a vacancy for which one or more other applicants meet the minimum education and experience qualifications, documentation must be provided to support the selection decision. This documentation must include a finding that the other applicant(s) qualified on the basis of education and experience are unsuitable for the position.

SECTION 4. APPOINTMENTS

The County Manager is the appointing authority for employees under the general supervision of the County Commissioners, with the exception of those listed below. Appointments are authorized by the County Manager based upon the recommendations of the Department Heads and the Human Resources Director.

- A. The County Commissioners appoint the following officials in accordance with the North Carolina General Statutes:

1. Clerk to the Board	3. County Manager	5. Tax Assessor
2. County Attorney	4. Finance Officer	6. Tax Collector & Deputy Tax Collector

The County Commissioners must approve the appointment by the Sheriff and/or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude. (GS 153A-103)

- B. The County Board of Elections appoints and dismisses all of the board's employees except the Director of Elections, who is appointed and dismissed by the State Board of Elections (GS 163-35).
- C. The Departments of Public Health and Social Services are subject to the State Human Resources Act (GS 126) which governs recruitment, selection and dismissal. The County Board of Health appoints the Health Director after consultation with the County Commissioners. The Health Director may only be dismissed in accordance with the due process of the State Human Resources Act. Health Department employees are appointed and dismissed by the Health Director in accordance with the Act (GS 130A-41 (b)(12) and GS 126-5 (a)). The County Social Services Director is appointed by the County Social Services Board, and Social Services employees are appointed by the Social Services Director. All Social Services employees, including the Director, are dismissed in accordance with the State Human Resources Act (GS108-14 (2) and GS 126-5(a)).
- D. Cooperative Extension Service employees are appointed and dismissed jointly by the County Commissioners and Cooperative Extension Service of North Carolina State University and/or North Carolina A&T State University in accordance with a memorandum of understanding executed between the universities and the County.
- E. Soil and Water Conservation District employees are appointed and dismissed by the District Supervisors in accordance with a memorandum of understanding between the County and the District. District employees are County employees and are subject to this policy and procedures manual except for hiring, firing and disciplinary actions.

F. The Sheriff and Register of Deeds are elected by the people for four-year terms in accordance with state law. The Sheriff and Register of Deeds have the exclusive right to hire, discharge and supervise the employees in their offices.

Prior to any applicant/new hire officially beginning work, the Department Head shall coordinate with the Human Resources Department regarding the appointment and the required pre-employment screenings and paperwork.

If the duties of the position involve operation of County-owned/insured vehicle, the Human Resources Department will review the driving record of the applicant, which will become a part of the employee's confidential personnel file should the applicant be employed with the County. If the position requires the incumbent employee to be licensed, registered or certified in a particular area, it will be the responsibility of the hiring department to verify that the applicant's credentials are current and valid.

SECTION 5: PROBATIONARY PERIOD OF EMPLOYMENT

Full-time/Part-time Employees

Employees appointed to a position (full-time or part-time) serve a probationary period of six (6) months. Probationary status may be extended to one (1) year at the discretion of the Department Head, in consultation with the Human Resources Director.

Office of State Human Resources Employees

Employees covered by the State Human Resources Act serve a probationary period of six months. Probationary status may be extended to nine (9) months at the discretion of the Department Head.

When a Probationary Period is Required

A probationary period is required for all full-time and part-time employees.

A new probationary period is required for all part-time employees going to full-time employment status, even when an initial probationary period was served as a part-time employee. Because full-time status affords an employee many more benefits and rights, a new probationary period must be served.

An employee who completes the probationary period in a satisfactory manner will receive a six-month performance evaluation and shall achieve regular status.

A probationary period will not be required when a full-time employee is promoted, transferred or demoted (except as allowed for DSS and Public Health under the State Human Resources Act) provided the employee has already completed an initial probationary period.

Interim Appointment

An interim appointment may be considered for a vacant / vacating department head or senior management position in order to evaluate the suitability of the employee for the role or to allow time to recruit for the position. The position that the employee temporarily vacates during the interim period shall not be filled but shall remain open until the vacant position has been permanently filled. If the employee serving in the interim appointment is ultimately selected for the vacant position, he will not be required to complete another probationary period, provided he has already completed an initial probationary period. If the vacant position is filled with an individual other than the interim appointment, the employee in the interim role will resume his previous position on the date the employee filling the role begins. Interim appointments should be discussed with the Human Resources Director and County Manager for final approval.

Benefits

Full-time probationary employees receive all benefits afforded to other full-time employees.

A full-time employee in probationary status may earn and use vacation and sick leave in the same manner as other full-time employees.

If a full-time employee separates service during the probationary period, accrued vacation leave will or will not be paid out in accordance with the policy found in Article VI. Leave Policies, Section 3. Vacation Leave. *Accrued Leave Payment Upon Separation of Employment* (pages 68-69).

Dismissal

Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if the Department Head determines the employee is not satisfactorily performing the assigned duties. A probationary employee who is dismissed may not appeal such action; however, the employee must be given notice of dismissal and reason thereof in writing.

ARTICLE V: CONDITIONS OF EMPLOYMENT

SECTION 1. DEFINITIONS

Discrimination - Any workplace action (including but not limited to hiring, firing, demoting and promoting) that is based on a prejudice of some kind and results in the unfair treatment of employees.

Hatch Act - A federal act limiting political activity for state and local government employees whose principal employment is in an activity that is financed either in whole or in part by loans or grants from the federal government in order to limit possible bias and political coercion.

Hostile Work Environment - An environment which a reasonable person would find hostile or abusive and which the complaining employee in fact perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and how it interferes with an employee's work performance.

Quid Pro Quo Harassment - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation - Any form of adverse treatment that occurs because an employee engages in a legally protected activity such as reporting, testifying, assisting, or participating in any manner in a hearing, proceeding or investigation of unlawful workplace harassment, employment discrimination, or allegations of wrongful or illegal conduct.

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made a term or condition of an individual's employment or a rejection of such conduct by an employee is used as a basis for future employment decisions affecting such individual or when such conduct interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment for an employee or group of employees.

Unlawful Workplace Harassment - Unwelcome or unsolicited comments, treatment or conduct based upon age, race, sex, religion, color, national origin, or disability that creates a hostile work environment or circumstances involving quid pro quo. This includes sexual harassment.

Workplace-Violence - Actions in the workplace by employees, clients, customers, relatives, acquaintances, or strangers against county employees that include, but are not limited to, intimidation, threats, physical assault, domestic violence, and property

damage, whether physical, verbal, or non-verbal, to cause emotional duress or to intimidate or coerce an individual or group.

SECTION 2. WORKWEEK

The standard workweek for employees of the County is based on a 40-hour work schedule from 8:00 a.m. until 5:00 p.m., Monday through Friday. The FLSA (for the purposes of compensatory time and overtime pay) Standard Workweek for the majority of County employees is 12:01 am Sunday -12:00 Midnight Saturday. However, when the activities of a particular department or agency require some other schedule to meet work needs, the Department Head may request through the Human Resources Director for the County Manager to authorize a deviation from the normal standard workweek. The FLSA standard workweek may not be altered by Department Heads without the permission of the Human Resources Director and the County Manager.

SECTION 3. AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Randolph County Government to comply with all federal and state laws concerning the employment of persons with disabilities.

Randolph County is committed to providing reasonable accommodations to employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity. Randolph County shall provide reasonable accommodation for the known physical or mental limitations of qualified employees and applicants with disabilities unless a particular accommodation would impose an undue hardship on its operations.

Definitions

Disability - An impairment that substantially limits one or more major life activity.

Essential Functions - Those job duties that are so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized, and the individual is hired based on his/her ability to perform them. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed and not simply the components of a generic position description.

Individual with a Disability - A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of having such an impairment, or is regarded as having such an impairment.

Interactive Process - The process by which an individual requesting an accommodation, and the decision-makers talk to each other about the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

Major Life Activity - Basic activities that the average person in the general population can perform with little or no difficulty, including but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to the functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Qualified Individual with a Disability - An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable Accommodation - An adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodations: Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille); Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); and Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in organization.)

Request for Reasonable Accommodation - A statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment as a result of a disability.

Process for Requesting Reasonable Accommodation

Randolph County will make reasonable accommodations whenever necessary for all qualified employees or candidates for employment with disabilities, as defined by applicable law, provided that the individual is otherwise qualified to safely perform the essential functions of the job, and such accommodations do not impose undue hardship on Randolph County operations.

Requesting an Accommodation

If an employee has a disability that requires an accommodation in order for him/her to perform the essential functions of his/her job, or otherwise enjoy the benefits and privileges of employment, he/she must initiate a request for accommodation by contacting his/her direct supervisor/manager or the Human Resources Director and

identify an adjustment or change at work that is needed because of said disability. Effort should be made to provide a written notice of the request when possible.

If a candidate for employment has a disability that requires an accommodation in order to apply for a job, he/she must initiate the request for accommodation by contacting the Human Resources department and identifying an adjustment or change in the application process or system that is needed because of said disability. Effort should be made to provide a written notice of the request when possible.

Participating in the Interactive Process

An employee seeking an accommodation under this policy will engage in an interactive dialog (the "interactive process") with his/her supervisor, manager, and the Human Resources Director to identify an accommodation that will allow the employee to perform the essential functions of the job effectively or engage in other benefits of employment that are enjoyed by similarly situated employees without disabilities.

If the County is able to accommodate the request as a result of the interactive process, without the need for supporting medical documentation or other information, the employee does not need to proceed with any further steps outlined in this process.

If the employee's supervisor, manager or the Human Resources Director have questions regarding the implementation of an accommodation, questions related to whether the medical condition is a qualifying disability under the ADA or need additional medical information to determine what accommodations may be available or effective, the Human Resources Director shall provide the employee with the County's medical inquiry form.

The employee must cooperate with Human Resources in submitting the necessary medical documentation and /or providing a release of medical information that permits Human Resources to communicate with the employee's medical provider. The employee must return all forms and responsive information within 15 days of the request. Processing the request for accommodation may not proceed until all required forms have been completed and returned to Human Resources.

Human Resources will review the completed forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, Human Resources may request additional information from the employee or his/her medical provider.

Determination

If, based on medical and other information provided by the employee and/or his/her medical provider, the employee is determined to be a qualified individual with a disability, Human Resources will notify the employee and his/her department head.

The Human Resources Director will work with the employee and his/her department head to identify and discuss reasonable accommodations that will enable the employee to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated employees without disabilities.

In instances where there is no reasonable accommodation that enables the employee to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, the employee may be separated from employment due to unavailability.

Confidentiality

Information obtained in the course of this process will be kept confidential, separate and apart from the employee's personnel file, and will be disclosed only on a restricted, need-to-know basis and as otherwise permitted or required by law.

Protection from Discrimination and Retaliation

Discrimination or retaliation against an individual who has a disability and/or who requests a reasonable accommodation is strictly prohibited.

Responsibilities

Employees/Candidates with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth above.

The employee or candidate who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the County while a determination is being made. It is the employee's responsibility to work with his supervisor, department head, the Human Resources Director and qualified medical provider to review and complete all forms required. Any failure by the employee to supply the County with all relevant and requested medical information or to otherwise meaningfully cooperate in the interactive process may result in the County's denial of the accommodation or delay in the process.

Department Heads/Supervisors are responsible for ensuring that all employees under their supervision are fully aware of the contents of this policy. When an employee requests an accommodation, the department head and/or supervisor must participate in the interactive process with the employee to determine if a reasonable accommodation can be made with or without seeking additional information about the employee's medical condition through Human Resources. If Human Resources determines that an employee's medical condition is a qualifying disability under the ADA, the department head and supervisor must continue to work with the employee to identify existing reasonable accommodations that will enable the employee to perform the essential functions of his/her job.

Human Resources, in consultation with the legal department, when necessary, is responsible for determining whether an individual is entitled to an accommodation under the terms of this policy, assisting in the interactive process to identify reasonable accommodations as necessary, and informing employees of their rights and obligations pursuant to this policy.

SECTION 4. PREGNANT WORKERS FAIRNESS ACT & PUMP ACT

The Pregnant Workers Fairness Act (PWFA) is a Federal Law that became effective on June 27, 2023. This law requires employers, including Randolph County, to provide reasonable accommodations based on an employee's known limitations due to pregnancy, childbirth, or a related medical condition. If you require accommodations (modifications to the job, environment, policy, or practice) in order to manage those limitations, you should contact Human Resources or your supervisor as soon as possible to address the request. You may reach Human Resources at hr@RandolphCountyNC.gov. Examples of accommodations include:

- Confidentiality;
- The ability to sit or drink water;
- Receiving closer parking;
- Providing flexible hours;
- Receiving appropriately sized uniforms and safety apparel;
- Additional break time to use the bathroom, to eat or to rest;
- Taking leave for appointments or time off to recover from childbirth;
- Being excused from strenuous activities, such as lifting heavy objects, and activities that involve exposure to chemicals that are not safe during pregnancy, and
- Temporary, alternate work assignments or reassignment.

During the PWFA process, you will be asked to provide additional information, including clarification of your limitations. Once you contact Human Resources, Human Resources will work with you to understand any limitations you are experiencing due to pregnancy, childbirth, or a related medical condition. Human Resources will then try to identify what accommodations may be effective or appropriate based on the limitations shared.

PUMP ACT

Under the FLSA, eligible nursing employees have the right to break time to express milk, in a private space, other than a bathroom for up to one year after a child's birth. Remote work employees are eligible to take pump breaks under FLSA on same basis as other workers.

The frequency and duration of pump breaks vary. Employee should address their needs with their supervisor or Human Resources.

The pump space cannot be a bathroom. It must be private and shielded from view from others, including any cameras. However, it can be a temporary or a converted space. An employee cannot be required to sit on floor.

Pump breaks are not paid breaks unless employees are not relieved from their work duties during their pump break. Contact Human Resources at hr@RandolphCountyNC.gov for any questions.

SECTION 5. WHISTLEBLOWER POLICY

Randolph County requires its employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees must practice honesty and integrity in fulfilling responsibilities and must comply with all applicable County policies, and all applicable laws and regulations.

Reporting Responsibility

This policy is intended to encourage and enable employees and others to raise serious concerns internally so that Randolph County can address and correct inappropriate conduct and actions. It is the responsibility of all employees, officers, board members and volunteers to report concerns about violations of Randolph County's policies or suspected violations of law or of regulations that govern County operations.

No Retaliation

It is contrary to Randolph County's values for anyone to retaliate against any board member, officer, employee or volunteer who, in good faith, reports a policy violation, an ethics violation, or a suspected violation of law or of any regulation governing County operations. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including dismissal.

Reporting Procedure

Randolph County has an open-door policy. If comfortable doing so, employees should first share their questions, concerns, suggestions and complaints with their supervisor or department head. If an employee is not comfortable speaking with his/her supervisor or department head, the employee should speak with the Human Resources Director or the Associate County Attorney. Supervisors and department heads are required to report complaints or concerns about suspected ethical and legal violations to the Human Resources Director, who has the responsibility to investigate all reported complaints. If the complaint involves the Human Resources Department, then it should be reported to the County Manager who has the responsibility to investigate.

Compliance Officer

The Human Resources Director serves as the Compliance Officer and is responsible for ensuring that all whistleblower complaints are investigated and resolved. The Human Resources Director will advise the County Manager of all complaints and their resolution.

Accounting and Auditing Matters

The Human Resources Director shall immediately notify the County Manager, the Finance Director and the Internal Auditor of any concerns or complaints regarding accounting practices, internal controls or auditing and shall work with the Internal Auditor to see that the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing that a violation exists. Making an unsubstantiated allegation maliciously or when known to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be reported on a confidential basis and will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Human Resources Director will notify the complainant and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate action will be taken when warranted by the investigation.

SECTION 6. POLITICAL ACTIVITY RESTRICTED

Every employee of Randolph 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 and by the Constitution and laws of the United States of America.

However, no employee of Randolph County shall:

- A. Engage in any political or partisan activity while on duty or on County property;
- B. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- C. Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- D. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- E. Use funds, supplies, or equipment of the County for political or partisan purposes.

Employees subject to the State Human Resources Act and employees in certain federally aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting 2, 3, and 4 above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section will subject such employee to disciplinary action, up to and including dismissal.

SECTION 7. OUTSIDE EMPLOYMENT

The work of the County will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported to the employee's Department Head, who in turn will report potentially conflicting employment to the Human Resources Director for approval/disapproval by the County Manager. Outside employment will not be approved if it involves a conflict of interest or the appearance of a conflict of interest. Conflicting outside employment, as well as assumption of outside employment without prior approval by the County, may be deemed improper conduct and shall subject the employee to disciplinary action up to and including termination of employment.

SECTION 8. LIMITATION OF EMPLOYMENT OF RELATIVES

No two members of an 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.

SECTION 9. REMOTE WORK

The County recognizes that certain full-time positions may be performed remotely and seeks to provide a flexible work environment when possible.

- A. A position's suitability for remote work is based on operational needs and the duties and responsibilities of the position as defined in the employee's job description and as determined by the County. It is the responsibility of the department Director to designate positions as remote work eligible or remote work ineligible.
- B. An employee's work hours and work location, whether remote, at a county facility, or hybrid, will be specified at the outset of each work period and clearly known to the employee and their supervisor.
- C. The conditions of employment with the County remain the same as for non-remote work employees and employees are subject to the same policies that apply when working at a county facility.
- D. The employee's salary, benefits and any other County paid benefit will not change as a result of a remote or hybrid work arrangement.
- E. Employees must obtain approval before taking leave in accordance with established County policies. Employees who engage in remote or a hybrid work

schedule necessarily agree to follow established procedures for requesting and obtaining approval of leave.

- F. Employees will continue to work in a pay status while working in a remote location and must abide by the overtime requirements of their department as if they were working at a county facility.
- G. The employee is covered under Workers' Compensation law if injured in the course and scope of employment at the remote work location. Remote work employees are responsible for notifying the County of such injuries as soon as practicable. The County will investigate all remote work injuries as it would any other work-related injury.
- H. The employee will meet with their immediate supervisor to receive assignments and to review completed work as necessary or appropriate. The employee will complete all assigned work according to work procedures mutually agreed upon by the employee and the immediate supervisor according to guidelines and standards stated in the employee's performance plan.
- I. The employee's performance evaluation will be conducted according to County policies.
- J. Meetings required by the County or the Department, whether onsite or remote, must be attended despite the remote or hybrid work schedule.
- K. Remote or hybrid work is not a guaranteed work arrangement, and an employee may be expected to work onsite continuously with minimal or no notice. Continuous onsite work may be a temporary or permanent work expectation. Continuous onsite work may be required due to a department's operational needs, due to an employee's performance or conduct not meeting work expectations, or some other reason.

SECTION 10. DATING RELATIONSHIPS

Randolph County strongly believes that an environment where employees maintain clear boundaries between employee personal and county business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

- A. During working time and in working areas employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.

- B. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
- C. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on company premises, whether during working hours or not.
- D. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the county disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- E. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
- F. Department Heads, Supervisors and anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Director of Human Resources. This disclosure will enable the County to determine whether any conflict of interest exists because of the relative positions of the individuals involved.
- G. Where problems or potential risks are identified the County will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.
- H. Failure to work with the County to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination.
- I. In some cases, other measures may be necessary such as transfer to other positions or departments. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.
- J. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

- K. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the Human Resources Director or other designated individual.

SECTION 11. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION

The County does not tolerate any form of workplace harassment. No employee, regardless of position, may engage in conduct that falls under the definition of unlawful workplace harassment, including but not limited to sexual harassment. Unlawful harassment is generally defined as unwelcome or unsolicited comments, treatment, or conduct based upon a Title VII protected class that creates a hostile work environment or circumstances involving quid pro quo. All employees have a right to work in an environment free from unlawful workplace harassment and retaliation. Furthermore, indifference by Supervisors and other employees with authority will not be tolerated

Unlawful workplace harassing behaviors may be overt or subtle, and include physical, verbal or nonverbal acts. Behaviors which are viewed as unwelcome, offensive or abusive by the recipient are considered unlawful harassment. The behaviors listed below are illustrative, though not exhaustive, of the types of behavior that are prohibited by this section:

- A. **Physical acts:** Unnecessary touching, pinching, patting, fondling, massaging, kissing, hugging, grabbing, brushing against a person's body, blocking a person's path, exposing oneself or coercing sexual intercourse.
- B. **Verbal behaviors:** Foul or obscene language, sexual propositions, sexual innuendo, crude jokes about gender-specific traits, threats, discussing sexual activities, commenting on someone's physical attributes or spreading false rumors about a person's sex life.
- C. **Nonverbal conduct:** Sexually explicit pinups or calendars depicting nude or partially nude women or men, sexual graffiti, pornography, sexual cartoons, unseemly gestures or facial expressions, whistling, catcalls, suggestive noises, crude pranks or giving gifts or letters of a sexual nature.

SECTION 12. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE

Any employee may file a complaint when he/she believes that he/she has been discriminated against or harassed on the basis of age, race, sex, including gender identity, sexual orientation, and the status of being transgender, religion, color, national origin, or disability. Complaints may be filed with the employee's Department Head, the Human Resources Director or the Clerk to the Board or the County Manager. In filing a complaint, the following steps shall be taken:

- A. To be considered filed, the complaint should be made in writing within thirty (30) days of the alleged incident/action giving rise to the complaint. Unless the

complaint directly involves the Human Resources Department, a copy of the complaint must be filed with the Human Resources Director.

- B. The written complaint referenced above should contain, at a minimum, the following information: the decision, action or policy giving rise to the complaint, the effect of that decision/action/policy on the employee, and the employee's proposed resolution.
- C. A thorough investigation of the complaint shall be conducted. This investigation shall be conducted by the Human Resources Director or his/her designee and, when appropriate, with the Department Head. The County Manager or his/her designee shall investigate complaints involving the Human Resources Department. Confidentiality and the dignity of those involved in a complaint are important. Considering the sensitive nature of these complaints, every effort at discretion and confidentiality will be made. Employees involved in an investigation, whether as complainant, alleged harasser, witness or investigator, should keep all discussions or communications confidential.
- D. The County shall inform the complainant of the conclusion of the investigation.

In furtherance of this policy, the County prohibits retaliatory action of any kind taken by an employee of the County against any other employee because that person made a complaint, testified, assisted, or participated in any manner in a hearing, proceeding or investigation of harassment or discrimination.

The decision reached at the conclusion of the investigation ends the complaint process and is the final and binding decision of the County, except for those employees subject to the State Human Resources Act as outlined below.

Personnel actions are subject to confidentiality provisions of N.C.G.S. Sec. 153A-98.

Employees Subject to the State Human Resources Act

Employees subject to the State Human Resources Act ("SHRA") must exhaust the County grievance procedure previously outlined in this Article and must achieve career status before appealing to the Office of State Human Resources except for complaints alleging harassment or discrimination. In harassment or discrimination cases, employees subject to SHRA may avail himself/herself of the County complaint procedure outlined above or may appeal directly to the Office of Administrative Hearings within thirty (30) days of the alleged harassing or discriminatory act. All decisions by the State Human Resources Commission, other than cases of harassment or discrimination, shall be advisory to the local appointing authority as defined by statute.

Copies of the grievances/complaints filed under this Section must also be sent to the Department Head, the Human Resources Director, and the County Manager.

SECTION 13. EMPLOYEE PERFORMANCE EVALUATIONS

All full-time and part-time employees subject to the Randolph County Employee Policies and Procedures Manual will be evaluated under the Employee Performance Evaluation System. Evaluations will be submitted on the approved form along with any other documentation that can properly describe the performance of the employee being rated. Department Heads may designate the Supervisors to evaluate employees and may also require intermediate level Supervisors to review the evaluation; however, the Department Head must rate and/or review the evaluation of all employees within his/her department. An employee must review his/her evaluation and be given the opportunity to make comments pertaining to the evaluation.

- A. Each new employee, both part-time and full-time, in an initial probationary period shall have a Six-Month Performance Evaluation no later than the end of the sixth month of aggregate employment. The Department Head will forward a copy of the Six-Month Performance Evaluation and a Human Resources Status form indicating that the employee has either been granted regular status or the probationary period has been extended to the Human Resources department for inclusion in the employee's personnel records.
- B. Each County employee who has achieved regular status will be evaluated annually at a minimum. More frequent evaluations may be conducted if, in the opinion of the Supervisor, Department Head and/or Human Resources Director, it is conducive to good human resources management.
- C. It is recommended that temporary employees be included in the evaluation process if the employment is more than six months in duration. This will provide the Supervisor an opportunity to evaluate the work being done and to correct any deficiencies. As with other employees, it will serve as a notice when work is unsatisfactory.
- D. Employees who have been promoted shall have a new review date based upon the promotion effective date. Subsequent evaluations shall be conducted on the employee's new review date. A Six-Month Performance Evaluation should be conducted at the end of six months after the promotion.

An employee who has been demoted shall have a new review date effective with the demotion date. A Six-Month Performance Evaluation should be conducted at the end of six months after the demotion.

SECTION 14. DRUG, ALCOHOL, TOBACCO AND VAPE FREE WORKPLACE POLICY

Randolph County is committed to protecting its employees and the public we serve by maintaining a healthy and safe workplace.

No person will use any tobacco or vape product, including but not limited to; snuff, chewing tobacco, smokeless tobacco, e-cigarettes or vaping tool, or other lighted smoking equipment/paraphernalia while in any Randolph County Building, on Randolph County Grounds or in Randolph County Vehicles. Should a county employee violate the tobacco/vaping ban, they will be subject to disciplinary action, up to and including dismissal.

All County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, partaking of, possessing, or using any controlled substance or alcohol in the workplace, or reporting to work under the influence of any controlled substance or alcohol, except medications prescribed by a licensed medical provider and certified by said provider not to constitute a workplace hazard. The County maintains a Drug and Alcohol Testing Policy that prohibits the presence of illegal drugs and alcohol in the workplace and the influence of these substances on employees during working hours and provides that violations are grounds for disciplinary action up to and including dismissal.

SECTION 15. DRUG AND ALCOHOL TESTING POLICY

A. Purpose and Scope of Policy

1. The purpose of this policy is to maintain a drug-and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs.
2. Randolph County recognizes that an employee's on-or off-the-job involvement with drugs and/or alcohol can have an impact on work productivity and the ability to provide a work environment free from the effects of substance abuse. Employees are expected to present to work free of any intoxicating substance and required to be in a condition to safely and effectively perform their job duties throughout the workday.
3. All testing will be conducted in accordance with the North Carolina Controlled Substance Examination Regulation Act and in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Randolph County will take all necessary steps to safeguard the dignity and self-esteem of those being tested and will ensure adherence to all applicable procedures and regulations.

4. Randolph County will strictly adhere to all standards of confidentiality and assure all employees that testing records and results will only be released to those authorized to receive such information. All records will be confidentially maintained separate and apart from the employee's personnel file.
5. Employees with substance abuse issues are encouraged to voluntarily seek help from the Employee Assistance Program. This does not prevent employees who fail drug or alcohol tests from being disciplined as provided herein, up to and including dismissal.
6. Participation in a counseling, treatment or rehabilitation program for drug and/or alcohol use/abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being referred for reasonable suspicion or post-incident drug-testing and/or any other disciplinary issues as a result of performance issues or possible drug or alcohol use.

B. Applicability

1. With the exception of the employees of the Office of the Sheriff and the Register of Deed's Office, this policy applies to all Randolph County employees and applicants for employment. Since the Sheriff and the Register of Deeds are elected officials, the establishment and administration of a drug-free workplace in the Sheriff's Office and the Register of Deeds' Office shall be the responsibility of these officials respectively.
2. The Sheriff's Office shall be responsible for reporting test results to the North Carolina Sheriff's Education and Training Standards Commission for personnel holding certification from that Commission if and when required.

C. Definitions

1. **Alcohol Test** - means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, blood screening, or other device/test approved by the U.S. Department of Transportation.
2. **Drug Test/Drug Screening** - means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:
 - a. Amphetamines (including methamphetamine)
 - b. Barbiturates
 - c. Benzodiazepines
 - d. Cannabinoids (marijuana)
 - e. Cocaine (including crack)
 - f. Methaqualone
 - g. Opiates (including heroin)

- h. Phencyclidine (PCP)
 - i. Propoxyphene
 - j. Other drugs as directed by Federal law or expanded county policy
3. **Negative Alcohol Test** - with respect to a safety-sensitive employee, means a test that indicates an alcohol concentration of 0.00. With respect to an employee not employed in a safety-sensitive position, a negative alcohol test means a test that indicates an alcohol concentration of less than 0.02.
 4. **Negative Drug Test** - means a test result that does not show the presence of drugs at a level specified to be a positive test.
 5. **On Call** - means being subject to a call to report immediately to work for Randolph County.
 6. **On Duty** - means that an employee is at the workplace, performing job duties, on call, or any other time for which he or she is entitled to receive pay from Randolph County.
 7. **Pass a Drug Test** - means that the result of the test is negative. The test either:
 - a. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
 - b. Showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.
 8. **Positive Alcohol Test** - with respect to a safety-sensitive employee, means the presence of alcohol in the employee's system at a level greater than 0.00. With respect to a non-safety-sensitive employee, a positive alcohol test means the presence of alcohol in the employee's system at a level of 0.02 or greater.
 9. **Positive Drug Test** - means a laboratory finding of the presence of a drug or drug metabolite in the urine or blood of an employee at the level specified to be positive by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the level specified to be positive by Randolph County. All positive tests will be confirmed using a different technology than was used for the first test, such as the Gas Chromatography Mass Spectrometry (GCMS) process in accordance with regulations.
 10. **Workplace** - means the location or facility where an employee may be expected to perform any task related to the requirements of his/her job. This includes but is not limited to: break rooms, restrooms, outdoor worksites, Randolph County vehicles, personal vehicles (while being used for Randolph County business), computer work stations, conference rooms, hallways, private

offices, open/partitioned work areas, public contact/customer service areas, medical service areas, County campuses and parking lots.

D. Prohibited Substances/Conduct.

1. Prohibited Substances.

- a. Illegally Used Substances or Drugs under the Drug-Free Workplace Act of 1988.
 - i. Any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines (including methamphetamine & ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the US Drug Enforcement Administration or the US Food and Drug Administration.
 - ii. Illegal use includes the use of any illegal drug, the misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
- b. Legal Drugs - The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance or combination of substances which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the supervisor.
- c. Alcohol - Use of alcoholic beverages is prohibited on County premises, in County workplaces and while conducting County business. The use of beverages or substances containing alcohol (including mouthwash, medication, food, etc.) such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

2. Prohibited Conduct

- a. The unlawful manufacture, distribution, dispensation, possession, storage, purchase or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- b. The manufacture, distribution, dispensation, possession, storage, purchase or use of alcohol by employees at the workplace or while performing job duties is prohibited and constitutes grounds for immediate termination.
- c. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR, Part 40 as amended.

- d. All non-safety-sensitive employees are prohibited from reporting for duty or remaining on duty while having an alcohol concentration of greater than 0.02 regardless of when the alcohol was consumed.
- e. All safety-sensitive employees, as defined in Section H, paragraph 2, are prohibited from reporting for duty or remaining on duty while having an alcohol concentration of greater than 0.00 regardless of when the alcohol was consumed.
- f. Failure to adhere to these requirements may result in discipline up to and including termination.

E. Pre-Employment Testing

1. All offers of employment shall be extended conditional upon the applicant passing a pre-employment drug test.
2. All applicants determined to be final candidates for a full-time, part-time, or temporary position will be required to submit to a drug test. The test shall be performed within four (4) hours from the time the conditional offer of employment is made and before the candidate begins performing the job in question.
3. An applicant who fails to take the required drug test will not be hired for the position in question and will not be considered for employment for a two-year period thereafter.
4. If an applicant fails the pre-employment drug test, the conditional offer of employment shall be rescinded, and the applicant will not be considered for employment for at least two-years. After two-years, before being considered for employment, the applicant must provide documentary proof that he/she has successfully completed a referral, evaluation, and approved treatment plan and must pass a pre-employment drug test. The costs of assessment, evaluation and treatment are the sole responsibility of the applicant.
5. An internal applicant who is currently in a *non-safety sensitive position* and who is the final candidate for a *safety sensitive position* will be subject to a pre-employment drug screen and background check. This is to ensure that that the individual is not positive for illegal substances and to ensure that the individual is added to the County's Safety Sensitive Monitoring Program. Additionally, if the position that the internal applicant is the final candidate for is a position that works with children in any capacity, a criminal history record check will be required in accordance with General Statute 153.A-94.2(b).
6. An internal applicant who is currently in a *safety-sensitive position* and who is the final candidate for a *non-safety sensitive position* will not be subject to a pre-employment drug screen and background check. This individual has been

on the County's Safety Sensitive Monitoring Program up to the point that they are hired into / start employment in the non-safety sensitive position. If the position that the internal applicant is the final candidate for is a position that works with children in any capacity, a criminal history record check will be required in accordance with General Statute 153.A-94.2(b).

F. Reasonable Suspicion Testing

1. Any employee, safety-sensitive or otherwise, may be sent for a drug and/or alcohol test when there is reasonable suspicion that the employee has used a prohibited drug or has used alcohol in violation of this policy.
2. Reasonable Suspicion exists when a supervisor obtains detailed and timely observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. A timely observation is one made at the time of occurrence and not reported hours/days later. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:
 - a. Slurred speech
 - b. The odor of marijuana or alcohol about the person
 - c. Inability to walk a straight line
 - d. Physical altercation
 - e. Verbal altercation
 - f. An accident involving County property or bodily injury
 - g. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
 - h. Possession of drugs and/or alcohol
 - i. Credible information obtained from other employees based on their observations
3. A reasonable suspicion test will only be authorized after the factors leading to the determination of reasonable suspicion have been reviewed with and approved by the head of the department in which the employee works. In the event that the department head is unavailable, the Human Resources Director and/or the Associate County Attorney shall be consulted.
4. A reasonable suspicion test shall be administered as quickly as possible and no later than eight (8) hours following the determination of reasonable suspicion. If the test is not administered within two (2) hours, the supervisor must document the reason(s) for the delay.
5. A written record shall be made of the observations leading to a reasonable suspicion drug and/or alcohol test. This record shall be signed by the supervisor who made the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

6. Failure to adhere to these requirements may result in disciplinary action up to and including dismissal.

G. Post-Accident Testing

1. A post-accident drug and/or alcohol test will be conducted whenever there is reasonable suspicion, as defined in Section F, paragraph 2 above, that the accident is the result of employee impairment caused by the use of drugs and/or alcohol.
2. Drug and alcohol tests may be required after crashes under specific circumstances of a fatality, bodily injury requiring immediate medical attention, or disabling damage to a motor vehicle. When warranted as provided above, a post-accident drug and/or alcohol test shall be administered immediately following the accident.
3. Reasonable suspicion necessitating a post-accident drug and/or alcohol test shall be documented in the same manner as contained in Section F, Paragraph 5 above.
4. Failure to adhere to these requirements may result in discipline up to and including termination.

H. Random Testing

1. Employees designated as safety-sensitive will be tested on an unannounced basis throughout the year. Computer-generated numbers matched with the employee's identification number will determine who is tested.
2. A position will be designated as safety-sensitive only when Randolph County has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences. Examples of these positions include:
 - a. Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery or equipment as a primary task (does not include routine office equipment; and
 - b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
 - c. Other positions as determined on a case-by-case basis.

3. All positions which fall under the DOT guidelines definition will be classified as safety sensitive. Other positions may be classified as safety-sensitive upon the recommendation of the department head with approval by the Risk Manager. A list of safety-sensitive positions shall be maintained by the Risk Manager.

I. Return to Duty Testing

1. An employee who has a positive alcohol test of greater than 0.00 will not be allowed to return to duty in the performance of a safety sensitive function until he/she has been evaluated by a substance abuse professional and until he/she tests 0.00 on a return-to-duty alcohol test.
2. An employee who has voluntarily participated in a counseling, treatment or rehabilitation program for drug and/or alcohol use/abuse in accordance with Section A, Paragraph 6 of this policy will not be allowed to return to duty until he/she has been tested for drugs and/or alcohol and has passed said test.

J. Follow-Up Testing

1. Once allowed to return to duty, an employee who has been determined by a substance abuse professional to be in need of assistance in resolving problems associated with the misuse of drugs and/or alcohol must submit to a minimum of 6 follow-up tests within the first twelve (12) months following his/her return to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty as prescribed by the evaluating substance abuse professional. Follow-up testing should be frequent enough to deter and/or detect a relapse.

K. Refusal to Submit to Test

1. An employee who refuses to submit to, or fails to follow through with, a drug and/or alcohol test when testing is required by this policy will be terminated.
2. Refuse to submit means that an employee:
 - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; or
 - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
 - c. Refuses to sign the alcohol confirmation test certification; or
 - d. Refuses to sign any document necessary for the administration of a drug and/or alcohol test; or

- e. Engages in conduct that obstructs the testing process; or
- f. If subject to post-accident testing, who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing.

L. Consequences of Positive Test

1. Alcohol

- a. An employee who tests positive for alcohol will be terminated if management concludes that the alcohol consumption occurred on the job.
- b. An employee who tests positive for alcohol and is not terminated shall receive a 5-day suspension without pay, shall be placed on 180-day performance probation, and shall receive a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and shall follow any rehabilitation program prescribed. The employee shall then be subject to the return to work and follow-up testing provisions outlined in this policy. Refusal to comply will result in dismissal.
- c. A second positive alcohol test within 5 years of the first test will result in termination.
- d. An employee who does not pass an alcohol test and is terminated shall not be considered for re-employment for a two-year period following the date of the test and then will only be considered when:
 - i. He/she provides documentary proof of evaluation by a Substance Abuse Professional (SAP) and completion of any prescribed rehabilitation program or other treatment made by the SAP; and
 - ii. He/she passes a pre-employment drug and/or alcohol test.

2. Illegally Used Substances or Drugs

- a. An employee who tests positive for illegally used substances or drugs as defined by Section D, paragraph 1, subsection a of this policy may be terminated.
- b. Depending on the totality of the circumstances, including, but not limited to, the employee's work history, the nature of the substance/drug involved, and any State law requirements, Randolph County may offer an employee who violates this policy or tests positive the opportunity to return to work on a "last chance" basis (final warning) pursuant to mutually agreeable terms. These terms would include follow-up drug testing at times and frequencies

determined by the County for a minimum of one year but not more than two years. If the employee agrees to random testing after a documented violation, the employee will then waive his/her right to contest any termination resulting from a subsequent positive test. The decision to offer a "last-chance" return-to-work as described herein, shall be made by the County Manager in consultation with the Human Resources Director and the County Risk Manager. An employee who tests positive for drugs and is not terminated shall receive a 5-day suspension without pay and shall receive a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and shall follow any rehabilitation program prescribed.

- c. An employee who does not pass a drug test and is terminated shall not be considered for re-employment for a two-year period following the date of the test and then will only be considered when:
 - i. He/she provides documentary proof of evaluation by a Substance Abuse Professional (SAP) and completion of any prescribed rehabilitation program or other treatment made by the SAP; and
 - ii. He/she passes a pre-employment drug and/or alcohol test.

M. Reporting Convictions

1. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her department head of the conviction within 5-days after such occurrence. This is a requirement of the Drug-Free Workplace Act. Failure to comply with this requirement will result in termination.
2. If an employee is arrested off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale or possession of a controlled substance, he or she shall notify his/her department head within forty-eight (48) hours of the incident. The department head shall investigate the incident and if it is found to have a direct relationship to the employee's job duties and responsibilities, disciplinary action may be taken.

N. Employee Responsibilities

Every employee shall:

1. Abide by this policy as a condition of employment.
2. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol and prescription drugs.
3. Assure that his/her ability to perform his/her job duties is not negatively affected due to the use of a drug and/or alcohol when scheduled to work or when on

“on call” status. Should any employee be requested to report to work earlier than his/her normal or previously assigned time, it is the employee's responsibility to advise his/her supervisor of an inability to perform his/her job duties or that he/she has consumed alcohol. If the employee is “on call” or had received prior notice that he/she might be called back to work, the employee shall be considered absent without leave if he/she is unable to report for duty and may be subject to disciplinary action.

4. Inform his/her supervisor if, prior to beginning work, or while he/she is on duty, that he/she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his/her ability to satisfactorily perform assigned duties. It is the employee's responsibility to have a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to do so may result in disciplinary action up to and including dismissal.
5. Submit immediately to a drug and/or alcohol test when directed to do so by his/her supervisor.

O. Confidentiality and Compliance with Law

1. Information regarding the testing and referral of employees and applicants under this policy will be treated as confidential in accordance with the requirements of North Carolina law.
2. All drug test/alcohol test results shall be confidentially maintained separate and apart from an employee's personnel file.
3. Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his/her designee determines that the search is reasonable under all of the applicable circumstances.
4. This policy is intended to comply with all applicable Federal and State regulations governing anti-drug and alcohol programs.

SECTION 17. WORKPLACE VIOLENCE PREVENTION POLICY

Objective

Randolph County Government is committed to preventing workplace violence and to maintaining a safe work environment. In furtherance of this objective, Randolph County has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur on-site or off-site during work-related activities.

Scope of Policy

All full-time and part-time employees are covered under this policy, as well all contractors, business partners, volunteers and clients of Randolph County Government.

Procedures

- A. All employees, customers, vendors, business associates, clients and volunteers should be treated with courtesy and respect at all times.
- B. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.
- C. Conduct that threatens, intimidates or coerces another employee, customer, vendor, business associate, client or volunteer will not be tolerated. Randolph County resources may not be used to threaten, gain access to otherwise non-public information or use his/her position as one of influence, stalk or harass anyone at the workplace or outside of the workplace.
- D. County employees are prohibited from carrying a personal deadly weapon in the course of conducting County business, with the exception of those Sheriff Office employees who qualify with and carry their own personal weapon while on duty.
- E. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, human resources, or any member of senior management as appropriate. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident. Any emergency situation should be immediately reported to 911.
- F. Employees should promptly inform the HR Director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The County treats threats coming from an abusive personal relationship as it does other forms of violence. The County will not retaliate against employees making good-faith reports. The County is committed to supporting

victims of intimate partner violence by providing referrals to the County's Employee Assistance Program (EAP) and community resources.

- G. The County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The County will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.
- H. The County encourages employees to bring their disputes to the attention of their supervisor, senior management or the HR Department before the situation escalates.
- I. Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

SECTION 18. SEVERE WEATHER AND EMERGENCY CONDITIONS

As a local government, the essential services of Randolph County must be provided even during periods of severe weather or emergency conditions. The County is committed to maintaining full service levels to the extent possible. However, the County is also committed to maintaining the safety of all citizens and employees, which may necessitate the need for a delay or closing of County operations during severe weather or emergency conditions.

When conditions warrant, the County Manager will determine and announce all decisions to delay or close County operations. If the County Manager is unavailable, the Chairman of the Board of County Commissioners will make the determination. If the offices are delayed or closed, non-essential employees will not be required to report to work and will not be required to use leave to account for those hours during which the offices are closed.

Notification of County Operational Status

When the County's schedule is altered, operational status will be available through the following means:

- News media outlets, specifically television channels WFMY2, Fox8 and News 14.
- The Main Phone Number for Randolph County 336-318-6300.
- The Randolph County Home page: <https://www.randolphcountync.gov/>. The inclement weather message will be displayed on the home page at the top of the screen.
- Employees will receive notifications via text, phone call and/or email based on contact information in eSuite. These alerts for bad weather include: early closing, closed for the day, and delayed openings.

An announcement of a delayed opening or closing will be made as early as possible, but no later than 6:30am. If severe weather or emergency conditions develop during the day, employees will be notified of closings through normal supervisory means. If no message is displayed on the television channels, County website or phone line, then the County is operating under normal operating hours.

Reporting For Work in Emergency Conditions

Essential Employees

Essential employees are expected to report for work on their regular schedule despite any closing, delay, or cancellation. Generally these employees hold positions designated as "required for the essential operations of the County." Essential County operations are designated as but not limited to: Sheriff's Office and Jail, Emergency Services, Maintenance and other departmental personnel necessary for snow removal operations.

Non-Essential Employees

Non-Essential employees whose presence is not generally required for the essential operations of the County are excused from reporting during an official delay or closing unless they are notified by an appropriate supervisor that they must report for work to support the necessary operations of County Government despite the closing or delay of other activities or services. Such determinations and notifications are made on a situation-specific basis. Employees are responsible for ensuring they can be reached via valid contact information.

Please note that all employees are subject to becoming "essential employees" in the event of an extreme major emergency or disaster in order to assist with emergency management work such as handling calls, general office work in the Emergency Operations Center, assisting in the central receiving/distribution center, assisting at shelters, and any other such duties as defined by Emergency Services.

Compensation and Record Keeping

Essential Employees

Essential Employees who are required to report to work during a period of severe weather or emergency conditions will receive their base rate of pay. FLSA overtime rules apply. Overtime is typically compensated as compensatory time and requires the approval of the employee's department director prior to being worked. Only the County Manager may approve employees to be paid monetary compensation rather than compensatory time for overtime hours worked during a severe weather or emergency event.

Full-time Non-Essential Employees

Full-time, Non-Essential Employees working a 40 hour standard workweek will not be required to report to work nor will they be required to use personal leave time when County offices are closed. The hours that the operations are closed are to be coded on the employee's time sheet as E for Emergency Conditions Leave. In the event that the County operates on a delayed schedule, an employee is not required to report to work if he/she feels it would be unsafe for him/her to do so; however, the employee must use personal leave time for any hours that the County operations were open.

Severe Weather and Emergency Conditions may be County wide or department specific. For example, if power goes out in one building and that building cannot offer services, the Department Head will consult with the County Manager and if a decision is made to close, employees of that Department shall account for their time in the same manner as provided above.

- A. Non-essential employees may not work during emergency weather or severe conditions events without approval from his or her Supervisor. If an employee does work without Supervisory approval, the employee will be subject to disciplinary action.
- B. Part-time employees are paid for hours worked and do not receive Emergency Conditions Leave. Thus, if a part-time employee typically works 8am-noon, Monday – Friday and the County opens at 10am one of those days due to a weather delay, the employee will only receive two hours of pay that day provided they report to work at 10am and work until noon.

When Non-Essential Employees report for work to support the necessary operations of County Government during a period of severe weather or emergency conditions for which there is an official delay or closing, they will receive their base rate of pay. FLSA overtime rules apply. Overtime is typically compensated as compensatory time and requires the approval of the employee's department director prior to being worked. Only the County Manager may approve employees to be paid monetary compensation rather than compensatory time for overtime hours worked during a severe weather or emergency event.

Absences During Severe Weather or Emergency Events when the County is Operating Under a Normal Work Schedule

Preplanned Absences

Employees already on vacation, out sick or on any kind of leave during an official delay or closing will not receive a reimbursement of hours for the delay or closing.

Unplanned Absences

In the event that the County operates on a delayed schedule, an employee is not required to report to work if he/she feels it would be unsafe for him/her to do so; however, the employee must use personal leave time for any hours that the County operations were open.

When the County implements an official delay, employees are required to provide notice of an absence from work to his/her supervisor as soon as possible, but no later than 30 minutes after County Offices open. If your department enforces a stricter notification policy, you must follow your departmental policy on absence notification.

If an employee desires to leave work early due to inclement weather conditions, approval must be obtained from the supervisor prior to leaving. The employee must account for the hours not worked by using compensatory time, vacation, personal or sick leave.

SECTION 19. RANDOLPH COUNTY IDENTIFICATION (ID) BADGE POLICY

Randolph County recognizes the need to provide proper identification for its employees and other individuals that represent the County to the public. The following guidelines have been established in regard to the administration of the Identification Badge Program in order to provide uniformity among County employees and representatives. This identification badge will be for identification purposes only and will not allow entrance into controlled facilities. All Randolph County Government employees are required to wear identification badges at all times while conducting business on behalf of Randolph County Government. The Randolph County Identification Badge Program is administered and maintained through the Randolph County Human Resources Department in conjunction with the Randolph County Information Technology Department.

Procedures

All Randolph County employees, including full time, part time, volunteers and project (temporary) employees will be issued picture identification badges. The Sheriff will designate those employees within his department that will be included in this policy. Requests for picture identification badges for other individuals must be approved by the Human Resources Director and Department Head.

Human Resources can also issue non-county employee identification badges to departments with contractual workers or volunteers. Department Heads will be responsible for notifying Human Resources of the need for such badges. Department Heads will also be responsible for tracking the usage and return of all such badges issued

to their respective departments. These badges will clearly indicate contractor or volunteer status and are to be issued as needed and returned upon completion of the assignment. The Department Head should contact the Human Resources department when badges are needed, and Human Resources will make every effort to complete the badges within 24 hours of receiving the request.

Badge Log and Design

All identification badges have a consistent logo and format design. The design and format are the property of Randolph County and may not be reproduced.

Badge Content

Name: All badges will include the individual's first and last name as listed on the payroll logs, unless specifically approved by the Human Resources Director and Department Head.

Title: Position titles will be included on badges for all employees.

Department: The name of the employee's department will appear on the badge.

Issuing Identification Badges and Replacements

The Randolph County Human Resources Department will issue all Randolph County Government identification badges with the exception of the Sheriff's Office and Tourism Development Authority. The initial issuing of badges includes the following items:

- Clear Plastic Cover
- Basic Badge Clip

Initial Badges

New employees will receive badges at the benefit enrollment session occurring on their first day of employment. The Human Resources Department will maintain the identification badge database.

Replacement Badges

Human Resources will issue replacement identification badges using the existing database information. Upon request, replacements will be issued by Human Resources within 24 hours of a request being made. If an employee requires a replacement card due to his/her own negligence or need (lost, damaged, want a new photo, etc), he/she must notify Human Resources and pay a replacement cost of \$15.00. The \$15.00 replacement fee is due in full upon receipt of the new badge. Replacements will be issued free of charge for employees that experience a name change, a position change, or transfer from one department to another.

Displaying Identification Badges

Identification Badges are to be worn at all times while on County property and when conducting official County business. All badges are to be displayed at waist level or above, facing forward in plain view and not obstructed by clothing. Badges hanging or clipped below the waist are not acceptable. Should an employee wish to obtain a lanyard or alternative clip other than the standard clip and clear badge holder distributed by Human Resources, these additional items will be obtained at the employee's own expense and must receive approval from the employee's Department Head **prior** to usage.

Care and Use of Identification Badges

- A. Employees are individually responsible for their assigned Identification Badges. If lost or damaged due to the fault of the employee, the employee will be responsible for the replacement badge.
- B. If an Identification Badge is lost or damaged, the employee should notify the Human Resources Department within forty-eight (48) hours. The employee must call Human Resources to make an appointment to make a replacement badge.
- C. Employees shall not allow any other individual to use their identification badge. Such action may result in disciplinary action as determined by the Human Resources Director and Department Head.
- D. Identification Badges remain the property of Randolph County and must be returned to the Human Resources Department upon separation from the County.

Badges shall not be altered or defaced in any way.

SECTION 20. SEARCH AND SEIZURE OF COUNTY PROPERTY

Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of County property assigned to an employee whenever a Department Head or his designee determines that the search is reasonable under all the circumstances.

ARTICLE VI: LEAVE POLICIES

SECTION 1. HOLIDAYS

The following holidays and such others as the Board of Commissioners may designate shall be observed by County offices and eligible employees:

New Year's Day	Spring Holiday (Good Friday)	Independence Day	Veterans' Day	Winter Holiday (3 days)*
Martin Luther King, Jr. Day	Memorial Day	Labor Day	Thanksgiving (2 days)	

**Typically Christmas Eve & Day. County will follow the State of North Carolina Holiday Schedule.*

Holiday Pay—Generally

In order to be eligible for holiday pay, eligible employees must have worked a full, regularly scheduled workday before and after the holiday or have been on pre-approved paid leave. If a holiday falls within a pay period that an employee is terminating, an employee must have worked all regularly scheduled work hours, or have been on approved, paid leave, for the entire pay period in order to receive pay for the holiday. Holiday pay is not earned when an employee is absent from work on unpaid leave. Employees returning from a general leave of absence or going out on a general leave of absence must be active the full workday before and/or after the holiday in order to be paid for the holiday. Departments with 24-hour operations or special services may request alternative holiday schedules for approval by the County Manager.

Holiday Leave Accrual Rate

Each full-time employee earns Holiday Leave based on their assigned schedule. An employee who works 40 hours per week earns eight (8) hours of Holiday Leave. For an employee working fewer than 40 hours per week, Holiday Leave will be pro-rated. An employee whose regular work schedule is twelve (12) hours per day earns twelve (12) hours of Holiday Leave. *(Approved as a stand alone policy adding Sheriff's Office 12-hour shift employees on November 3, 2025, now incorporated herein.)*

Holiday Buy-Back for the Sheriff's Office

Holiday Buy-Back is an optional benefit offered by the Sheriff's Office for patrol deputies and detention officers. If a deputy is pulled from another division to work a patrol or detention shift that is not part of their regular schedule, and it falls on a holiday, they will be eligible to sell the holiday, as it was accrued on shift. Employees who do not avail themselves of the buy-back should follow the County policy on holidays outlined herein. *(Approved as a stand alone policy on September 8, 2025, now incorporated herein.)*

Holiday Pay—FMLA Considerations

An employee on FMLA who has not exhausted his/her vacation and/or sick leave shall be paid holiday pay and the hours for the holiday will not be charged against their vacation/sick leave.

An employee on FMLA who has exhausted his/her vacation and sick leave (and is therefore on unpaid leave the day before or the day after the holiday) shall not receive holiday pay.

An employee on FMLA who has exhausted his/her vacation and sick leave and is granted shared leave from other employees shall be paid holiday pay, but the hours for the holiday shall be charged against his/her shared leave. If the donated shared leave is not sufficient to cover the holiday hours, then the employee shall not receive holiday pay.

Holiday Pay—General Leave Considerations

If an employee is on general leave, with or without pay, holiday pay hours are charged against his/her leave accruals. Employees returning to active status from a general leave of absence must be active the day before a holiday in order to be paid for the holiday.

Working on a Holiday

Employees required by his or her supervisor to perform work on regularly scheduled holidays shall be granted time off at another time or be paid for the holiday worked if prior approval has been granted. Holiday time shall be granted whenever feasible and shall be taken within six (6) months from the time it is earned. If an employee is terminated prior to taking this time off, he/she shall be paid for this time in the same manner as vacation.

Reduced Full-time Schedule Holidays

Full-time employees who are regularly scheduled to work less than 40 hours per week (working 30-39 hours per week on an ongoing, regular basis) will receive prorated holiday pay based on the number of hours regularly worked per week.

SECTION 2. LEAVE ACCRUALS

Eligibility to Receive Accruals while Working

Sick and vacation leave accruals are afforded to fulltime employees. Part-time employees do not accrue leave. In order to receive sick or vacation leave accruals, an employee must work their regular full time work schedule for the entire pay period, and sick and vacation leave accruals are earned until the end of the pay roll period. An employee may not use leave during the pay period "in advance", that will not be earned until the end of the pay period.

Eligibility to Receive Accruals while on Leave of Absence

Employees receive leave accruals when on FMLA paid leave. If on FMLA unpaid leave, no accruals are received. Employees do not receive leave accruals on a General Leave of Absence, whether in pay status or not.

Leave Accrual Rates

In general, leave accrual rates are based on an employee's regularly scheduled work schedule. Overtime hours worked do not factor into accrual leave rates. Accrual rates may be pro-rated for an employee whose regular work schedule is fewer than 40-hours per week.

Advancement of Leave

Additionally, the County will not advance sick, vacation or personal leave to employees. Thus, employees may not go into a "negative" leave accrual balance.

Should an exempt employee request leave when no leave is accrued, the Supervisor should contact Human Resources immediately. Very specific federal guidelines pertain to exempt employee wage payment.

Order in Which Leave Must be Taken

Employees who have earned any compensatory leave must first take all earned compensatory leave prior to using sick, vacation or personal leave.

SECTION 3. VACATION LEAVE

Vacation leave can be used for any personal reason. For the purpose of earning and accruing vacation leave, the period beginning January 1 and ending December 31 is established as the leave year. Due to shift assignments and work schedules in the Emergency Medical Services department, specific vacation procedures will be documented and maintained in that department for 12-hour employees.

Accrual Schedule

Each full-time salaried employee shall earn vacation leave on a monthly basis in accordance with the following schedule.

Years of aggregate service	Hours earned per month	Hours earned per year	Days earned per year
Less than 3 years	8 hours	96 hours	12 days
3, but less than 6 years	10 hours	120 hours	15 days
6, but less than 12 years	12 hours	144 hours	18 days
12, but less than 20 years	14 hours	168 hours	21 days
20 or more years	16 hours	192 hours	24 days

Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. On December 31, any employee with more than 240 hours of vacation leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year.

Religious Observances

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 allowed to utilize vacation when requested for the religious observance. This should be denied only when it would create an emergency condition which cannot be prevented in any other manner.

Approval/Manner of Taking Leave

Vacation leave earned by an employee shall be taken only upon **prior approval** of the immediate Supervisor and/or Department Head. Approval or denial may be based upon the department's operational needs and staff coverage. The County Manager will approve leave for Department Heads except the Sheriff, Register of Deeds and any Department Head with a governing board.

Accrued Leave Payment Upon Separation of Employment

Voluntary Separation

An employee who voluntarily separates from employment shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of 240 hours provided that the resigning employee gives and works the proper notice, separates in good standing, and returns all County issued property on or prior to the last day worked. Notice requirements and good standing defined in Article VIII, Section 5.

Involuntary Separation

When an employee is involuntarily separated from employment, accumulated accrued leave payment will be forfeited by the employee.

While it is strictly against County policy to advance vacation leave, should leave be overdrawn due to a Supervisory or payroll oversight, any overdrawn vacation leave owed the County shall be deducted from the employee's final compensation.

Payment for Vacation Leave Upon Death

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

Previous Leave Credit

An employee who transfers to Randolph County from another North Carolina governmental agency or entity (that is a member of the NC retirement systems) without a break in service of more than thirty-one (31) days from his last day worked with the previous jurisdiction may be credited with prior service credit up to a maximum of 15 years for the purpose of accruing vacation leave. The total months of previous service time will be recognized when the employee has successfully completed twelve (12) months of service with Randolph County. If the employee has previous service with more than one other North Carolina governmental agency or entity or more than one stretch of employment with the same other North Carolina governmental agency or entity, previous leave credit shall only be granted for the most-recent period of service.

Leave Records

It is the responsibility of each department to maintain accurate records reflecting hours worked and appropriate leave taken for each employee. The records shall be provided as required by the Finance Office for payroll action and are subject to review and audit. The official record, including original / electronic signatures, shall be retained for at least five (5) years.

SECTION 4. SICK LEAVE

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners. Each full-time employee occupying a permanently established budgeted position shall earn sick leave on a monthly basis at the rate of eight (8) hours per calendar month. No employee shall be paid for any accrued sick leave at termination. An employee may be granted sick leave if the absence is due to:

- A. Sickness or bodily injury which may prevent an employee from performing his regular duties.

- B. Medical/dental appointments for the employee or the employee's child, spouse or parent.
- C. The actual period of temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from. "See FMLA and PWFA policy for more information.
- D. Illness or injury of a member of the employee's immediate family, as defined herein, which requires that the employee provide care to the family member.
- E. Exposure to a contagious disease when continuous work might jeopardize the health of others.
- F. Death in the employee's immediate family, as defined herein, not to exceed three (3) days, for any one occurrence (for use should bereavement leave be exhausted for each death occurrence).
- G. Adverse weather conditions.

Maximum Accumulation

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

Medical Provider's Certificate

The employee's Department Head, Human Resources Director and/or County Manager may require a statement from the medical provider or other acceptable proof that the employee was unable to report for work to ensure that there will be no abuse of sick leave privileges. At the expiration of authorized sick leave, the employee's Department Head, Human Resources Director and/or County Manager may require a medical provider's certification to determine if the employee is able to resume normal duties

Retirement Credit for Accumulated Sick Leave

Earned sick leave is allowed as creditable service at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System as determined by NCLGERS.

Transfer from Other Agencies/Entities

Unused sick leave earned from another North Carolina governmental agency and/or entity (i.e., a member of the North Carolina Local Government Employees' Retirement System, North Carolina Teachers' and State Employees' Retirement System, or other retirement systems authorized by the North Carolina Retirement Systems) shall be accepted and transferred to Randolph County according to the following provisions:

- A. For sick leave to be accepted as transferred, the employment transfer must be completed within three (3) years from the employee's last workday with the previous agency/entity.
- B. Verification of said accumulated sick leave must be received in writing from the previous authorized jurisdiction. Verification received in hours and minutes will be converted to the nearest whole hour.
- C. The total number of hours accepted as transferred will be recorded and credited to the employee's sick leave account upon the completion of twelve (12) months of employment with Randolph County.

Sick Leave Credit for Reinstated Employees

Employees who resign in good standing and are reinstated with Randolph County within three (3) years shall have their unused sick leave balance reinstated to their sick leave account when the employee has been back in County service for twelve (12) months. Employees who resign and are not reinstated with Randolph County within a three (3) year period shall lose all sick leave credits.

SECTION 5. PERSONAL LEAVE

Each full-time employee earns Personal Leave based on their assigned schedule, as established on January 1 or the employee's first day of hire. An employee who works 40 hours per week earns eight (8) hours of Personal Leave. For an employee working fewer than 40 hours per week, Personal Leave will be pro-rated. An employee whose regular work schedule is twelve (12) hours per day earns twelve (12) hours of Holiday Leave.

Personal leave hours differ from vacation and/or sick days in the following manner:

- A. Personal leave hours are not accrued. Existing employees receive personal leave hours based on his/her regularly scheduled work schedule at the beginning of each calendar year. New employees receive personal leave hours after completing three months of employment and may also use the personal leave hours within the six-month probationary period.
- B. Personal leave hours may not be rolled over from one calendar year to the next. You use it or you lose it.
- C. The value of personal leave hours equals the employee's regularly scheduled work schedule. The value of personal leave hours will be prorated for those full-time employees working 75 – 99% full time schedules.
- D. Personal leave hours are not applicable to the same guidelines as vacation and sick leave. Therefore, any unused personal leave hours will not be paid out upon termination of employment, regardless of the notice given, nor can personal leave hours be applied to any retirement benefits.

- E. Personal leave hours may not be used for FMLA.
- F. Personal leave hours may not be used once an employee has given their separation of employment notice. The only exception is retirement. An employee who is retiring must give at least one month's (20 business days) notice in order to use personal leave hours prior to termination of employment.
- G. The continued granting of the personal leave hours is at the discretion of the County Manager and may be discontinued at any time, with or without notice, if business needs warrant.
- H. Personal leave may be used in increments as small as ¼ hour of time or as large as 12 hours of time.

SECTION 6. WELL-BEING LEAVE

(Approved by County Manager, Hal Johnson, April 2021 as a stand alone policy, now incorporated herein.)

Each full-time employee earns Well-Being Leave based on their assigned schedule, as established on January 1 or the employee's first day of hire. An employee who works 40 hours per week earns eight (8) hours of Well-Being Leave each calendar year. For an employee working fewer than 40 hours per week, Well-Being Leave will be pro-rated. An employee whose regular work schedule is twelve (12) hours per day earns twelve (12) hours of Well-Being Leave.

Well-being leave allows an employee time to focus on preventative medical care, participate in health coaching or weight management programs, engage in county facilitated wellness programs, or volunteer in the community.

New employees receive personal leave hours after completing three months of employment and may also use the personal leave hours within the six-month probationary period.

SECTION 7. FAMILY MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act was passed by Congress to balance the demands of the workplace with the needs of families. Its purpose is to promote the stability and economic security of families, to promote national interests in preserving family integrity, and to minimize the potential for employment discrimination on the basis of gender by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons.

Eligible Employees

An employee who has been employed with Randolph County for a total of at least 12 months and who has worked at least 1250 hours during the past 12 months is entitled to a maximum of 12 weeks' leave (480 hours), paid or unpaid as herein provided, during a rolling backwards 12-month period for one or more of the following reasons:

- A. The employee's own serious health condition makes the employee unable to perform his job.
- B. The birth of a child or when the employee becomes an adoptive or foster parent.
- C. The employee is needed to care for a family member (child, spouse or parent) with a serious health condition.
- D. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan.
- E. The employee is needed to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; provided however that an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member.

Spouses employed by Randolph County

A husband and wife who are eligible for Family and Medical Leave and are both employed by Randolph County are permitted to take a combined total of 12 weeks (480 hours) of leave during a rolling backwards 12-month period if the leave is taken for the birth, adoption or foster care placement of a child. When both spouses use a portion of the combined FMLA leave entitlement, both the husband and wife are entitled to the difference between the amount he or she has taken individually and the 12 weeks (480 hours) of leave for other purposes. For example, if each spouse took six weeks (240 hours) of leave for the birth of a child, each could use an additional six weeks (240 hours) in the same rolling backwards 12-month period for any other bona fide FMLA covered absence.

Definitions

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

Continuing treatment by a health care provider. Consists of one or more of the following:

- A. A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes
 1. Treatment two (2) or more times by or under the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 2. One treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy, etc.).
- B. Any period of incapacity related to pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence.
- C. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
- E. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

Covered Family Member - For military caregiver leave, a covered family member is the spouse, son, daughter, parent, or next of kin of an employee who is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness or injury.

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

Qualifying Exigency - An eligible employee may take FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active federal duty in the National Guard or Reserves, in support of a contingency operation. Qualifying exigencies may include any of the following as defined in federal law:

- Issues arising from a covered military member's short notice deployment (i.e. deployment on 7 or less days of notice) for a period of 7 days from the date of notification.

- Military events and related activities, including certain post-deployment activities.
- Certain childcare and related activities.
- Making or updating financial and legal arrangements.
- Attending counseling provided by someone other than a health care provider.
- Taking up to 5 days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment.
- Any other event that the employee and employer agree is a qualifying exigency.

Serious Health Condition - This refers to an illness, injury, impairment, or physical or mental condition that involves either:

- A. Inpatient care (i.e. an overnight stay) in a hospital, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school/workshops, or perform other daily activities) or subsequent treatment in connection with such inpatient care; or
- B. Continuing treatment by a health care provider (see Definition 3 above).

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

Effect of Holidays on FMLA Leave

Regular holidays which occur during a FMLA paid leave period shall not be charged as vacation, sick, or other paid leave, but will be counted towards the 12-week (480 hour) FMLA allowance. Employees whose medical certification returns them to full duty active status from FMLA leave the day following a holiday will receive payment for the holiday.

Intermittent Leave or Reduced Work Schedule

Employees may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. If such leave is foreseeable, based on planned medical treatment, the Human Resources Director may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

Responsibilities

Employee

- A. The employee should notify his Supervisor and/or Department Head and Human Resources of the need for Family and Medical Leave in accordance with the FMLA notice requirements listed below.
- B. The employee should complete and return all required forms to Human Resources in a timely manner. Failure to provide a complete and sufficient medical

certification, in accordance with the forms provided, may result in a denial of the employee's FMLA request.

- C. Failure to report at the expiration of the leave, absent extenuating circumstances and/or unless an extension has been requested and granted, shall be considered as a resignation.
- D. If, at any point during FMLA leave, the employee decides not to return to work, the employee shall notify Human Resources and his Department Head immediately.
- E. Employee shall provide a fitness for duty statement from his health care provider prior to returning to work.

Employee - Foreseeable Leave Notification

In general, the employee must give the County at least 30 days advance notice of the need to take FMLA leave when he/she knows about the need for the leave in advance and it is possible and practical to do so. For example, if the employee is scheduled for surgery in two months, the need for leave is foreseeable and at least 30 days advance notice is required. If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical.

In the case of FMLA leave for a qualifying exigency, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

For planned medical treatment, the employee must consult with his/her supervisor to try to schedule the appointment at a time that minimizes the disruption to the County. The employee should consult with his/her supervisor prior to scheduling the treatment in order to arrange a schedule that best suits the needs of both the employee and the County. Of course, any schedule of treatment is subject to the approval of the treating health care provider.

Employee – Unforeseeable Leave Notification

When the need for leave is unexpected, the employee must provide notice to the County as soon as possible and practical. It should generally be practicable for the employee to provide notice of leave that is unforeseeable within three (3) days. For example, if the employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee is not required to leave the child to report the absence while the child is receiving emergency treatment.

When the employee does not give timely notice of unforeseeable leave and does not have a reasonable excuse, the County may delay or deny the FMLA leave.

Supervisor

The Supervisor and/or Department Head should ensure that the employee reports the need for FMLA to the Human Resources department and shall assist as requested by

human resources in the effort to secure supporting documents as needed from the employee.

Certification

- A. A claim for leave because of adoption shall be supported by acceptable proof of adoption.
- B. A claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent shall be supported by a doctor's certification that includes the following:
 - 1. The date on which the serious health condition began;
 - 2. the probable duration of the condition;
 - 3. the appropriate medical facts regarding the condition;
 - 4. a statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time needed; or that the employee is unable to perform the functions of the position, whichever applies; and
 - 5. where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
- C. Where the Department Head or the Human Resources Director has reason to doubt the validity of the certification, the employee may be required to get the opinion of a second doctor designated or approved by the Human Resources Director. Where the second opinion differs from the original certification provided, the Human Resources Director may require the employee to get the opinion of a third doctor designated or approved jointly by the County and the employee. The third opinion is final and is binding on the County and the employee. The Human Resources Director may require that the employee get subsequent recertification on a reasonable basis. The second and third certification and the recertification shall be at Randolph County's expense.

Employment and Benefits Protection under FMLA

Reinstatement – The employee shall be reinstated to the same position held when FMLA leave began or one of like status, pay, benefits, and other conditions of employment. The Human Resources Director or the Department Head may require the employee to report at reasonable intervals on the employee's status and intention to return to work. The Human Resources Director also may require that the employee obtain certification that he/she is able to return to work.

Benefits – The employee shall be reinstated without loss of benefits accrued when FMLA leave began. All benefits accrue during any period of FMLA paid leave; however, no benefits will be accrued during any period of leave without pay.

Health Benefits – Randolph County shall maintain coverage for the employee under Randolph County's group health plan while on FMLA leave under the same terms and at the same premium as if the employee continued to work. If the employee desires to continue dependent coverage, premiums must be paid to Randolph County by the first (1st) of each month. Randolph County may recover the employee premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or circumstances beyond the employee's control.

Conflict of Provisions

In cases where the Family and Medical Leave Act of 1993 and the Randolph County Employee Policies and Procedures Manual are in conflict, the Family and Medical Leave will overrule.

SECTION 8. BEREAVEMENT LEAVE

When a death occurs in an employee's immediate family, an employee shall be granted up to 24 consecutive work hours of bereavement leave. Bereavement leave will be capped at no more than 48 hours per calendar year. Leave is prorated for employees working a full-time reduced schedule.

When a death occurs, the employee is to contact his/her supervisor as soon as possible, but no later than the next business day following the death, to arrange the necessary time off. Bereavement leave will not be considered as time worked for purposes of computing employee's overtime pay.

The County may request supporting documentation (obituary, death certificate, etc.) to support the request for bereavement leave.

New employees receive bereavement leave immediately upon date of hire and may be used within the six-month probationary period.

SECTION 9. LEAVE FOR PARENTAL/GUARDIAN INVOLVEMENT IN SCHOOLS

N.C. law requires all employers to grant up to four hours per calendar year (not school year) of leave to any person who is a parent or guardian of a school-aged child so that they can become involved in school activities. "School" is defined as any public or private day school, preschool or childcare facility. Employees shall use accrued vacation time, compensatory time, or his/her personal day for this purpose. An employee who does not have leave time may take unpaid leave for this purpose. Leave under this section is subject to the following conditions:

- A. The leave must be scheduled for a time that is mutually agreeable to the department and the employee.
- B. The employee must make a written request at least 48 hours before the leave begins.
- C. The employee may be required to provide written verification from the child's school that they attended or were involved in school activities during the time of leave.

SECTION 10. GENERAL LEAVE OF ABSENCE (NON-FMLA LEAVE)

When an employee needs extended leave, typically thirty (30) days or more, he/she may apply for General Leave of Absence for up to three (3) months. A General Leave of Absence is often approved in thirty (30) day increments but may be approved for less than thirty (30) days, depending on the requested need. General Leave of Absence may not be used for extended vacations.

General Leave of Absence may be requested for the following reasons, though this list is not exhaustive:

- 1. An employee has exhausted FMLA but needs additional leave.
- 2. An employee needs extended leave but does not qualify for FMLA (has not been employed for one year, has not worked a minimum of 1,250 hours in the past 12 months).
- 3. An employee needs time to complete education.
- 4. An employee is completing a special work assignment, not related to the County, and the County will benefit from the experience gained by the employee.
- 5. Reasons of general benefit to the County.

The following conditions apply:

- 1. General Leaves of Absence must be requested by the employee at least thirty (30) days prior to commencement in writing to the Department Head. Leaves necessitated by emergency circumstances must be requested as soon as possible. Leaves necessitated by an illness or injury must be requested as soon as possible after an illness develops or injury occurs.
- 2. All General Leaves of Absence must be approved by the Department Head and the Human Resources Director.

3. When an employee requests extended leave for up to three (3) months, the Department Head and HR Director may approve General Leave for the full three (3) months or in increments of less than three (3) months.

There may be instances when an employee requests extended leave for up to three (3) months, but due to the nature of the leave, the Department Head and HR Director approve the General leave in thirty (30) day increments. For example, when the request for leave is due to a serious medical condition and the recuperation time is uncertain. In these instances, the employee will need to provide documentation from the medical provider supporting the need for continued leave for each "period" General Leave is requested.

4. All employee accrued leave must be used in conjunction with the general leave of absence, as allowed per policy. Sick Leave may only be used for specific purposes as outlined in the Sick Leave Policy, Article VI. Section 4.
5. Vacation and sick leave credits will not accrue during a general leave.
6. Failure to report for duty at the expiration of a general leave, unless an extension has been requested and granted, shall be considered a resignation.
7. The County will allow the employee to remain on the County's health insurance plan, including family coverage, during General leave under the same terms and with the same premiums as if the employee continued to work . An employee may remain on other County benefit plans at the employee's own expense. If an employee is in paid status and receives earnings during the general leave of absence, the County will deduct the additional benefit premiums from the employee's pay. If the employee is not in paid status or if the amount of the paycheck does not cover the total amount of premiums, the employee is required to make a payment for the difference. If payment is not made by the deadlines set forth, benefits will be cancelled and notification of any COBRA rights will be sent directly to the employee's last known mailing address.
8. Other employment while on an authorized general leave of absence, except as indicated in item "d" above is prohibited.
9. Employees out of work on general leave will not be awarded merit or service awards until they return to active duty.

Return to Work

The County will endeavor, to place employees returning from a general leave who have complied with all terms and conditions of the leave into their former position or one comparable in status and pay. However, reinstatement to the exact same or even comparable position is not guaranteed to employees on general leaves as department needs during the employee absence may necessitate position changes.

If applicable, an employee may be required to provide certification from his/her health care provider that he/she is able to return to work and perform all essential job functions upon return from a general leave of absence.

SECTION 11. LEAVE WITHOUT PAY (LWOP)

Taking time off without pay is allowed only when an employee has depleted all other leave accruals, as allowed per policy (compensatory, sick, vacation, personal, holiday). Personal Leave may not be used when an employee is on FMLA. Sick Leave may only be used for specific purposes as outlined in the Sick Leave Policy, Article VI. Section 4. Leave Without Pay is scheduled through the Department Head. Time off without pay should only be used for emergency situations. This option is not allowed for vacations. Management may deny taking time off without pay if it causes a hardship for the department. Abuse of the time off without pay option may result in disciplinary action, up to and including termination.

SECTION 12. WORKERS' COMPENSATION LEAVE

When any employee is injured as a result of a compensable accident or occupational illness covered by the Workers' Compensation Law the following procedures will apply:

- A. When an employee is injured on the job as a result of a compensable injury or occupational illness and loses time from work while seeking medical attention due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury.
- B. Injured employees are expected to return to work following the initial medical treatment at our designated initial provider unless the treating physician indicates the employee must go home for the day.
- C. In situations where the employee cannot return to work, the employee will be paid full salary for normal working hours on the day of the injury.
- D. Time lost due to follow-up appointments after return to full duty with no restrictions will be charged to employee leave accounts. The employee is expected to make every effort to schedule such appointments either at the beginning or the end of his/her regular workday so as to minimize the amount of time needed away from work.
- E. If the injury results in additional time away from work, the employee will be placed on Worker's Compensation Leave, and receive the worker's compensation weekly indemnity benefits after the required waiting period.
- F. All Workers' Compensation leave will run concurrently with Family Medical Leave pursuant to the Family Medical Leave Act.

- G. The employee may elect to take sick, vacation or personal day leave during the required seven (7) day waiting period or may elect to go on Workers' Compensation Leave with no pay for the required waiting period.
- H. Once an employee starts receiving workers' compensation weekly indemnity benefits, the employee will not be allowed to supplement the Worker's Compensation benefits with any type of accrued leave (vacation, sick, personal or holiday).
- I. Health benefits provided by the County to an employee will continue to be provided while on Workers' Compensation Leave for up to six months total, whether the employee is out for six months at one time or intermittently. After that period, the employee may elect to continue the health benefits by electing COBRA. (Upon his / her return to work, the employee's health benefits will become effective without a waiting period).
- J. Employees who are out of work and receiving workers' compensation indemnity benefits will not accrue vacation, holiday or sick leave and their local government retirement and 401k benefits are not paid during this period except as applied to Law Enforcement Officers only as outlined in NCGS 128-26.

SECTION 13. MILITARY LEAVE FOR TRAINING

Each employee who has achieved regular status and who is a member of the National Guard or Armed Forces Reserve shall be allowed 80 hours of military training leave annually with pay. Employees shall provide a copy of their training orders to their supervisor a minimum of two weeks in advance to be eligible for Military Leave and pay under this policy. If military duty is required beyond this 80 hour period, the employee shall be eligible to take accumulated vacation leave or be placed on leave-without-pay status. While taking military leave with 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 Veterans Readjustment Assistance Act.

SECTION 14. CIVIL LEAVE

A Randolph County employee called for jury duty or as a court witness, except for the employee's own personal matter, for the federal or state government or a subdivision thereof is entitled to a leave with pay for the period of absence required. The employee is entitled to regular compensation, plus fees received for jury duty.

SECTION 15. SHARED LEAVE POLICY

Purpose

This policy provides an opportunity for employees to assist another employee affected by a serious health condition of the employee or the employee's immediate family member.

Eligibility

A full-time employee with a minimum of 80 hours in his/her combined sick, comp, holiday and/or vacation leave accrual banks at the beginning of the event for which shared leave is requested may request to become a recipient of leave transferred from another Randolph County employee's vacation leave account, subject to the limitations and conditions listed below.

- A. The individual will complete a "Request for Shared Leave" form, which will be given to the Department Head for initial approval and then be forwarded to the Human Resources Director for final approval. The individual must attach a 'medical provider's statement for verification. The medical verification will be maintained confidentially, separate and apart from the employee's personnel file and only a general statement "that a verified medical condition exists" will be issued when a request for leave donation is made.
- B. The requester must exhaust all of his own compensatory, vacation, sick, holiday and personal leave before shared/donated leave shall begin to be transferred.
- C. No individual will be granted more than 1,040 hours of donated leave for a continuous medical problem or for an intermittent or recurring medical problem in any two (2) year period from the onset of the first shared hour.
- D. Any unused donated leave will be credited back to the donor(s) on a prorated basis. Fractions of hours will not be returned.

Donation Procedure

Donation of vacation leave will be accomplished by completing a "Donation of Vacation Leave Authorization" form, which will be forwarded to the Human Resources department. Vacation leave may be donated in increments of eight (8) hours. No individual may donate leave that will reduce his accumulated vacation leave balance to below forty (40) hours. The establishment of a leave "bank" for use by unnamed employees is strictly forbidden. Leave must be donated on a one-to-one basis. Any employee who voluntarily donates vacation leave cannot and shall not receive any pay, benefits, or other compensation/renumerations for the donated hours. No employee shall earn or accrue vacation or sick leave while receiving donated vacation leave. Forms must be submitted in a timely manner and will be processed according to the cut-off dates established for processing payroll.

Under no circumstance should the names of those donating shared leave be shared with the requesting employee by any other person other than the donating employee.

Solicitation Procedure

Once the shared leave request is approved, the Department Head or the Department Head's designee will send out the solicitation to their department's employees. Employees should not use County email to solicit shared leave on their own behalf. Nothing prohibits a Department Head from communicating the shared leave request with other Department Heads, who may share it with their employees at their discretion.

ARTICLE VII: EMPLOYEE BENEFITS

SECTION 1. GROUP LIFE/HEALTH INSURANCE

Group Life Insurance

The County has made group life insurance available to its employees through the North Carolina Local Governmental Employees' Retirement System (NCLGERS). To be eligible for this benefit, an employee must have been a contributing member of the NCLGERS for at least one (1) year. If an employee dies while in active service, his beneficiary will receive a single lump sum payment calculated in accordance with the formula prescribed by the NCLGERS. This benefit is also paid if the employee dies within 180 days after the last day for which he/she is paid for work.

Employee Group Health Insurance

To be eligible for health insurance, a full-time employee must work at least thirty (30) hours per week. Employees shall be enrolled in the health insurance program on the first day of the month following a thirty (30) day waiting period. Deductions shall be allowable, at the option of the employee, to provide health insurance coverage for dependents. Specific coverage amounts shall be governed by the County's contract with the insurance company. Upon separation of employment, COBRA benefits are offered consistent with policy and statutory authority.

The employee's responsibility to pay for insurance expenses occurs whenever the employee works less than ½ the scheduled workdays in a month. Failure to pay the employee portion for 30 days will result in termination of insurance coverage.

Retiree Group Health Insurance

This policy was approved by the Board of County Commissioners on 1/01/04; amended 8/1/09, amended 10/3/11. Eligible full-time employees hired on or before 10/3/11 are grandfathered into the provisions of the previous policy. See Human Resources for a copy of the policy in effect on and prior to 10/3/11.

- A. In recognition of service rendered to Randolph County, a health insurance program has been established, under the following criteria, for persons retiring after July 1, 1998. This program is not retroactive. All of the service statements outlined for retirees assume that the employee meets the NCLGERS requirements for early, full, or disability retirement. Application for early or full retirement benefits or retirement disability benefits must have been made by the time of termination for this policy to apply, except when a position is part of a reduction-in-force (RIF). In the event of a RIF, application must be made within 10 business days of the last day worked. In addition, years of service applicable towards this benefit are those years in which the employee would have been in a fulltime position eligible for group health insurance benefits.

- B. Those retiring with at least 20 years, of which the last ten (10) were continuous, but less than twenty-five (25) years of service in Randolph County government and who are 50 years of age or older shall be eligible to continue to be covered by the County medical plan. The County will pay 50% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- C. Those retiring with at least 25 years, of which the last ten (10) were continuous, but less than thirty (30) years of service in Randolph County government and who are 50 years of age or older shall be eligible to continue to be covered by the County medical plan. The County will pay 75% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- D. Those retiring with at least 30 years of service in Randolph County Government, of which the last ten (10) were continuous service in Randolph County government and are of any age, shall be eligible to continue to be covered by the County medical plan. The County will pay 100% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- E. Those retiring with a disability with less than 20 years of service will be offered continuation of coverage via COBRA. For those retiring with 20 or more years of service, the insurance guidelines as outlined above in sections b-d will apply.
- F. If a "Public Safety Officer" or "Law Enforcement Officer" is placed on retirement due to injuries suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an "emergency situation" or while in "hot pursuit" as defined by North Carolina State case law, he shall receive the same medical benefits as those given to 30-year retirees, as listed in "d" above, until the retiree becomes eligible for Medicare. For the purposes of this section, the following definitions apply:
 - 1. A **Public Safety Officer** is an individual serving a public agency in an official capacity, with or without compensation, such as a law enforcement officer, a firefighter, or rescue squad or ambulance crew.
 - 2. A **Law Enforcement Officer** means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.
- G. A retiree's spouse who was enrolled in the plan at least one (1) year prior to the retirement date may continue in the plan at the retiree's/spouse's expense, until the spouse becomes eligible for Medicare; provided however that the spouse's participation in this plan may not last more than five (5) years after the date of the retiree's separation from employment. Dependents may be covered by the retiree's plan at his/her expense for so long as the insurance program recognizes their dependency, subject to all applicable state and federal laws, provided however that a dependent's participation in this plan may not last for more than five (5) years after the date of the retiree's separation from employment.

- H. Premium payments are due to the Randolph County Finance Department by the 25th of the month preceding the coverage dates. If premiums are not received within 30 days of the due date, coverage will be terminated. E.g. The December premium is due November 25th. If not received by December 25th, coverage will be terminated without notice and shall not be eligible for reinstatement.
- I. This program stands as offered and does not obligate the County to provide like services or monetary compensation for those who choose to seek other medical plans.
- J. This program may be modified or terminated at any time by Randolph County.

County Commissioner Group Health Insurance

Adopted by the Board of County Commissioners as a standalone policy on 12/4/06, amended 10-3-11. Policy was incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.

Eligibility - Current Commissioners

During his/her term of office, anyone serving as a county commissioner for the County of Randolph is eligible for the same health insurance coverage that is available to county employees. Furthermore, during his/her term of office, deductions shall be allowable, at the option of the commissioner, to provide health insurance coverage for dependents in the same manner and at the same rates as said coverage is available to employees' dependents.

Eligibility - Commissioners Leaving Office

- A. In recognition of service rendered to Randolph County, a health insurance program has been established, under the criteria contained in this policy, for persons leaving office after December 1, 2006. This program is not retroactive.
- B. Except as provided in subsection G below, those leaving office with at least twenty (20) but less than twenty-five (25) years, of which the last ten (10) were continuous, of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue to be covered by the Randolph County medical insurance plan until the individual becomes eligible for Medicare. The County shall pay fifty percent (50%) of the premium; the other fifty percent (50%) shall be paid by the commissioner leaving office.
- C. Except as provided in subsection G below, those leaving office with at least twenty-five (25) years, of which the last ten (10) were continuous, but less than thirty (30) years of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue coverage by the County's medical insurance plan until the individual becomes eligible for Medicare. The County shall pay seventy-five percent (75%) of the monthly premium; the other twenty-five percent (25%) shall be paid by the commissioner leaving office.

- D. Except as provided in subsection G below, those leaving office with at least thirty (30) years, of which the last ten (10) were continuous, of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue to be covered by the Randolph County medical insurance plan until the individual becomes eligible for Medicare. The County shall pay one hundred percent (100%) of the monthly premium.
- E. Upon a commissioner's leaving office in good standing, a commissioner's spouse who was enrolled in the Randolph County medical insurance plan at least one (1) year prior to the commissioner's leaving office, may continue in the plan at the commissioner's/spouse's expense, until the spouse becomes eligible for Medicare; provided however that the spouse's participation in this plan may not last more than five (5) years after the date of the commissioner's leaving office. Dependents may be covered by the commissioner's plan at his/her expense for so long as the insurance program recognizes their dependency, subject to all applicable state and federal laws, provided however that a dependent's participation in this plan may not last for more than five (5) years after the date of the commissioner's leaving office.
- F. Premium payments are due to the Randolph County Finance Department by the 25th of the month preceding the coverage dates. If premiums are not received within 30 days of the due date, coverage will be terminated. E.g. The December premium is due November 25th. If not received by December 25th, coverage will be terminated without notice and shall not be eligible for reinstatement.
- G. Notwithstanding any of the foregoing, only those commissioners who leave office in good standing shall be eligible for continuing medical insurance coverage. No commissioner who leaves office for reasons of malfeasance shall be eligible for medical insurance coverage under this policy.

SECTION 2. RETIREMENT BENEFITS

North Carolina Local Governmental Employees' Retirement System (NCLGERS)

- A. Each employee in a position working a minimum of 1,000 hours per year*, as a condition of employment, must join the North Carolina Local Governmental Employees' Retirement System (NCLGERS). Entry into the NCLGERS occurs on the first day of employment. Employees must contribute, through payroll deduction, six percent (6%) of the gross salary each month to the system. The County (employer) contributes an actuarially determined percentage of the gross payroll each month to the system.
- *The 1,000 is based on the employee's date of hire, not on the calendar or fiscal year.
- B. Upon date of hire, employees become eligible to enter two supplemental retirement income plans: NC401(K) and 457 plans outlined below.

NCLGERS Special Separation Allowance for Sworn Law Enforcement Officers

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

- A. The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately prior to the service retirement;
- B. the officer must have completed 30 years or more of creditable service, with at least 50% being in law enforcement, or have attained 55 years of age and completed five or more years of creditable service; and
- C. the officer must not yet be age 62.

The separation allowance ceases when the officer reaches age 62, dies, or is employed in a position with any local government, requiring participation in the North Carolina Local Government Employees' Retirement System.

Supplemental Retirement Income Plans – 401k, 457 plans

Upon date of hire, eligible employees are able to participate* in two additional supplemental retirement plans – the NC deferred Compensation Plan (457) and the NC 401(k) Retirement Savings Plan. The County contributes a percentage match to all employees (other than Sworn LEO)* participating in the NC 401(k) Retirement Savings Plan once the employee becomes eligible to participate in the North Carolina Local Governmental Employees' Retirement System.

*Sworn Law Enforcement Officers automatically become eligible to be a member of the NC 401(k) Retirement Savings Plan on the date they become a sworn officer. The County contributes 5% to the NC 401(k) plan for all Sworn Law Enforcement Officers.

SECTION 3. OTHER ANCILLARY BENEFITS OFFERED

In addition to the group health plan and retirement benefits listed above, the County offers an array of attractive ancillary benefits for eligible employees. The Human Resources Department has detailed eligibility information for these benefits.

SECTION 4. BENEFITS REQUIRED BY LAW

Pursuant to Federal and State Laws, the County provides the following benefits:

- Worker's Compensation Insurance
- Unemployment Insurance/Compensation
- Social Security

SECTION 5. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is a benefit available to all County employees who may be in need of assistance with counseling during personal difficulties. The EAP is a supportive approach to resolving personal problems before they have a substantial impact on the employee and his/her job. The EAP provider serves Randolph County employees, their spouses, and their children up to the age specified by the provider living in the same household with coverage available 365 days a year, 24 hours a day, concerning a variety of behavioral/health problems.

The primary goal of the EAP is to restore the employee's well-being and his job performance. To accomplish this, the EAP will attempt to:

- Motivate the individual to voluntarily seek and accept the help offered through the EAP
- Protect the dignity of the employee by maintaining confidentiality.
- Retain valuable employees.

Another goal of the EAP is to provide the supervisor with a resource to offer employees experiencing personal problems. The EAP provides the supervisor with an additional resource he/she can use to retain our most valuable resource, the employee. Entry into the EAP can be initiated by either the employee or the employer. Supervisors wanting to make a mandatory EAP referral must discuss the referral with the Human Resources Director prior to making the referral. Referrals are held in strictest confidence between the EAP provider and the employee.

SECTION 6. SERVICE AWARDS

Each year Randolph County celebrates long-term employee service to the County.

Employees and members of the Board of County Commissioners celebrating 15, 20, 25 and 30 years of service are recognized with a piece of pottery in appreciation for their dedicated service with Randolph County Government. In addition, employees crossing these thresholds receive a bonus check, contingent upon funding and Board approval.

Service Credit and Eligibility

- Credit will be given for full time years of service only.
- If an employee has a break in service of three years or less, we will credit previous service to the Service Award. If the break in service is longer than three years, prior service will not be credited.
- Credit for service at other agencies (either State or Local Government) will not be counted towards the Randolph County Service Awards.

Employees who would have been eligible for a service award but are no longer employed when the awards are presented will not receive the service award.

SECTION 7. RETIREMENT RECOGNITION

Randolph County celebrates the retirements of long-term employees throughout the year at Board of County Commissioners meetings. Employees retiring with 15, 20, 25 and 30 years of service in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) are recognized with a token of appreciation by the members of the Board of County Commissioners

SECTION 8. MODIFICATION OF BENEFITS

Nothing in this Manual shall preclude the County from adding, modifying, or terminating employee benefits at any time.

ARTICLE VIII: DISCIPLINARY ACTIONS, SEPARATIONS AND REINSTATEMENT

SECTION 1: GENERAL PROVISIONS

- A. It is the intent of Randolph County to provide employees and management with a fair, clear and useful tool for correcting and improving performance problems, as well as for providing a process to assist management in handling instances of unacceptable personal conduct. In accordance with the provisions of this Article, disciplinary actions shall be administered in as near a uniform manner as possible in all departments.
- B. Any employee, regardless of occupation, position, or profession, may be warned, demoted, suspended or dismissed by the appointing authority. Such disciplinary actions may be taken against full-time employees only for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with this Article.
- C. Probationary/Non Regular employees are 'at will' employees and may be dismissed at any time.

SECTION 2: CONFLICT RESOLUTION

Conflict resolution is an informal process whereby employees discuss their employment concerns with their Supervisor and Department Head in order to reach a mutual understanding or solution. This process is used to deal with concerns other than harassment/discrimination and adverse action. This is available to all employees and can be instituted by an employee by verbal request to his Supervisor. The County encourages employees and supervisors to engage in the conflict resolution process in order to prevent the progression of an issue into the disciplinary action stage.

SECTION 3: DEFINITIONS

Adverse Action - A demotion, dismissal, reduction in pay, layoff, involuntary transfer or suspension without pay. A suspension with pay, whether for disciplinary or any other reason, is not considered an adverse employment action and does not qualify as a grievance action.

Just Cause Defined

Employees terminated for just cause are not eligible for future employment with the County. Just cause can consist of any one or a combination of the following:

- A. **Unsatisfactory Job Performance** - Defined as work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plans or as directed by management of the Department or County. Failure

to pay County taxes before such taxes become past due is also considered unsatisfactory job performance.

B. **Grossly Inefficient Job Performance** - Defined as instances in which the employee fails to satisfactorily perform job requirements as specified in the relevant job description, work plans or as directed by the management of the Department or County when that failure results in:

1. Creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility.
2. Loss of or damage to County property or funds that results in a serious impact on the agency and/or work unit.
3. Failure to maintain required credentials. Employees in classifications that require a certain license, registration, or certification in order to perform assigned job duties are responsible for obtaining and maintaining said credentials, and a failure to do so constitutes just cause for disciplinary action.

C. **Unacceptable Personal Conduct** - Defined as one or a combination of the following:

1. Conduct for which no reasonable person should expect to receive prior warning;
2. job-related conduct which constitutes a violation of state or federal law;
3. conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency;
4. willful violation of known or written work rules; including, but not limited to all County wide policies and procedures and internal department guidelines and policies tailored to maximize the necessary and efficient fulfillment of that department's mission. A failure to adhere to these policies constitutes unacceptable personal conduct in the same manner as violation of a County-wide policy;
5. conduct unbecoming of an employee that is detrimental to the County's service;
6. abuse of a client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County;
7. falsification of an employment application, other employment documentation, including an employee's timesheet or other employee work product;

8. insubordination, defined as the willful failure or refusal to carry out a reasonable order from an authorized Supervisor; overstepping authority and/or making authoritative decisions/comments without approval. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning;
9. failure to report to work when scheduled without following departmental policy regarding absences except in extreme extenuating circumstances; or
10. violation of Workplace Violence Prevention Policy.

SECTION 4. TYPES OF DISCIPLINARY ACTIONS

Verbal Warning

When a supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a verbal warning may be the first type of disciplinary action that an employee will receive.

All verbal warnings will be documented by the supervisor in writing with the nature of the warning, the date it occurred and any other relevant information or attachments. No documentation will be sent to human resources for placement in the employee's personnel file.

Written Warning

When a supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning may also be the first type of disciplinary action that an employee receives. Written warnings for grossly inefficient job performance or unacceptable personal conduct may be issued at the election of the Supervisor if the offense is not egregious enough to warrant automatic dismissal.

Written Warning Requirements

In order for a written warning to be official, a Supervisor must provide the employee with a written warning that meets the requirements outlined below:

- A. Clearly informs the employee that it is an official written warning;
- B. Clearly informs the employee of the specific issues that are the basis for the warning;
- C. States the specific improvements, if applicable, the employee must make to address these specific issues;
- D. States the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting

unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct; and

- E. Clearly informs the employee of the consequences of failing to make the required improvements/corrections.
- F. Written warnings will be removed from the employee's personnel file after three (3) years without further/additional disciplinary actions.

A copy of the written warning will be forwarded to the Human Resources Director to be placed in the employee's personnel file and will be considered an official written warning.

Suspension With Pay

A suspension with pay may be used for any one or a combination of the following:

- A. to provide time to investigate, establish facts, and reach a decision concerning an employee's status;
- B. to provide time to schedule and hold a pre-disciplinary conference; or
- C. to avoid undue disruption of work or to protect the safety of persons or property.

A suspension with pay shall not exceed thirty (30) calendar days unless extended by management. Extensions shall be in writing to the employee and include the specific reason for the extension and the length of the extension.

A suspension with pay 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.

A suspension with pay may be used for a civil or criminal court matter.

Suspension Without Pay

Any employee may be suspended for one or more whole days without pay for violations of the following workplace conduct rules, committed on or off-site. The list is not exhaustive and workplace misconduct that is serious, disruptive, and harmful and, in the view of management, is of a similar level as the examples provided below, will result in disciplinary suspensions without pay for one or more whole days. When the offense is one that also constitutes unacceptable personal conduct, nothing in this section precludes management from proceeding directly to dismissal.

- A. Unlawful harassment including sexual, racial, disability, religious, national origin, or other protected characteristic or harassment for exercising a protected right.

- B. Threatening, enticing, encouraging, or committing workplace violence, including physical assault, physical altercation, physical intimidation, including making another fear physical harm to self or property.
- C. Theft, sabotage, or vandalism of property, including intellectual property, belonging to the County or other employee.
- D. Violation of the drug and alcohol policy.
- E. Violations of state or federal laws, other than minor traffic violations.
- F. Violations of serious OSHA requirements including failing to take established Personal Precautions and failing to use Personal Protective Equipment when required.
- G. Abuse, neglect, or harassment of a patient or consumer of services.
- H. Violating the rights of a consumer of services or patient receiving services as defined by state or federal law.
- I. Exposing a patient or consumer of services to undue and unnecessary risk of injury or illness.
- J. Pending resolution of charges that impact an employee's ability to perform their job functions or impacts their credentials.
- K. Other serious conduct unbecoming a County employee.

Procedures for Placing an Employee on Suspension Without Pay

To place an employee on suspension without pay, the appointing authority must comply with the following procedural requirements:

- A. In matters of unsatisfactory job performance, the employee must have received at least one (1) prior disciplinary action before being placed on suspension without pay. In matters of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials, no prior disciplinary actions are required;
- B. Review the employee's actions and the proposed discipline with the Human Resources Director;
- C. Schedule and conduct a meeting with the employee. Advance oral or written notice of the meeting must be given to the employee that includes the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances;

- D. Furnish the employee with a statement in writing setting forth the duration of the suspension, the specific acts or omissions that are the reasons for the suspension and advising the employee of any applicable appeal rights; and
- E. Forward a copy of the written statement to the Human Resources Director to be placed in the employee's personnel file.

Demotion

An employee may be demoted in accordance with the procedural requirements below for any reason constituting just cause. A demotion may take one of three forms:

- A. The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade.
- B. The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the salary rate does not exceed the maximum of the salary range for the new lower pay grade.
- C. The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect.

To demote an employee, the appointing authority must comply with the following procedural requirements:

- A. In matters of unsatisfactory job performance, the employee must have received at least one prior disciplinary action before being demoted. In matters of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials, no prior disciplinary actions are required;
- B. Review the employee's actions and the proposed discipline with the Human Resources Director;
- C. Schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the time, location, and issue for which discipline has been recommended must be provided to the employee. The amount of advance notice should be as much as is practicable under the circumstances;
- D. Furnish the employee with a written statement setting forth the specific acts or omissions that are the reasons for the demotion, stating clearly how and to what extent the demotion will affect the employee's salary rate or pay grade, and advising the employee of any applicable appeal rights; and
- E. Forward a copy of the written statement to the Human Resources Director to be placed in the personnel file.

Dismissal for Unsatisfactory Job Performance

In order to be dismissed for unsatisfactory job performance, an employee must first receive the following successive disciplinary actions:

- At least one (1) prior disciplinary action (a written warning or other more serious disciplinary action); then
- a final written warning notifying the employee that failure to make the required improvements may result in dismissal.

These successive disciplinary actions do not have to concern the same type of unsatisfactory job performance, nor do these successive disciplinary actions have to concern the same type of just cause. For example, a final written warning for unacceptable job performance could follow an initial disciplinary action for grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials.

Once an employee has received the required prior disciplinary actions as outlined above, he may be dismissed pursuant to the dismissal procedures section of this article.

Dismissal for Grossly Inefficient Job Performance or Unacceptable Personal Conduct

An employee may be dismissed on the basis of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action. However, nothing in this Article precludes management from using other disciplinary actions prior to proceeding to dismissal. The dismissal procedures outlined below must be followed.

Dismissal Procedures

For any dismissal of employment listed above, the last day physically worked will ordinarily be the date of termination recorded by the County. The appointing authority must comply with the following procedural requirements in dismissing an employee:

- A. Review the employee's actions and the proposed discipline with the Human Resources Director.
- B. Schedule a pre-disciplinary conference with the employee for any proposed dismissal based on unsatisfactory job performance or grossly inefficient job performance. With the exception of the Departments of Social Services and Public Health (for which all types of dismissal must have a pre-disciplinary conference), dismissals for unacceptable personal conduct do not necessitate a pre-disciplinary conference. Advance oral or written notice of the pre-disciplinary conference must be given to the employee detailing the time and location of the conference and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practicable under the circumstances.

- C. Conduct a pre-disciplinary conference with the employee. Attendance at this conference is limited to the employee and the person conducting the conference subject to the following exceptions. A second management representative, human resources and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. During the conference, the employee shall be given notice of the recommendation of dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer arguments and information in support of his/her position but may not present witnesses.
- D. Review and consider the response of the employee following the conference. To minimize the risk of dismissal upon erroneous information and to allow time for the review of all necessary information, a decision should not be communicated to the employee prior to the beginning of the business day immediately following the pre-disciplinary conference and no later than the end of the second business day following the conclusion of the pre-disciplinary conference. When extension of this time period is necessary for investigative or other purposes, the employee shall be notified.
- E. If the decision is made to dismiss the employee, provide the employee with a written letter of dismissal detailing the specific reasons for dismissal, the effective date of the dismissal, and the employee's appeal rights. This letter shall be delivered to the employee in person or by certified mail, return receipt requested, to the employee's last known address. The effective date of the dismissal is ordinarily the last day physically worked unless determined otherwise by management but shall not be earlier than the letter of dismissal nor later than fourteen (14) calendar days after the date of said letter.
- F. The letter shall also inform the employee of his/her right to a Name Clearing Hearing; if applicable.
- G. Forward a copy of the letter of dismissal to the Human Resources Director to be placed in the personnel file.

SECTION 5. SEPARATIONS OTHER THAN DISMISSAL

For any separation of employment listed in this section, the last day physically worked will be the date of termination recorded by the County.

Resignation in Good Standing

Resignation in Good Standing occurs when an employee submits and works the required written notice of resignation outlined below. Such notice shall be provided to the immediate Supervisor. Department Heads shall give notice of resignation to the County Manager and, when appropriate, the appointing authority or governing body.

An employee who resigns in "Good Standing" may be considered for future employment with the County.

Notice of Separation Requirements

The required written notice is two (2) weeks (10 business days) for non-supervisory employees and four (4) weeks (20 business days) for supervisory employees prior to the effective date of resignation.

Notice requirements are not met if the employee gives a notice and proceeds to take compensatory accrued time, vacation, sick, personal or holiday leave during that notice. In order to be considered as meeting the requirements of the written notice, the employee must actually work 10 business days (non-supervisory) or 20 business days (supervisory). In instances when an employee provides an extended written notice, the department head has the discretion of allowing the employee to use leave. In making the decision to allow a separating employee to use leave during the notice period, the department will consider factors including, but not limited to the following: the department's work needs, completed / incomplete work of the employee, amount of leave requested, cross-training needs, etc.

There may be circumstances where the Department Head decides to waive the entire notice or any portion of the notice period. If the Department Head should decide to waive the entire notice or any portion of the notice, the employee will still receive payment for all accumulated vacation leave, according to County policy, accrued through the last day worked provided the employee is separating voluntarily.

Resignation Not in Good Standing

A resignation "Not in Good Standing" occurs when:

- A. An employee fails to submit and work the required written notice.
- B. An employee fails to report to work following a general leave of absence.
- C. When an employee is absent from work three (3) or more consecutive working days/shifts without authorized leave, this can be considered job abandonment and the employee may be separated from employment. Separation pursuant to this policy should not occur until the Supervisor/Department Head has undertaken reasonable efforts to locate the employee and consider the circumstances. Nothing about this paragraph shall prevent a Department Head from taking disciplinary action, up to and including dismissal, when an employee is absent for one or more days/shifts without authorization.
- D. An employee, upon separation, fails to return all County-issued equipment within 10 business days.
- E. An employee resigns to avoid announced disciplinary action.

An employee who leaves county employment under items 1-4 above will forfeit all vacation leave accrual payment.

An employee who resigns from County employment "Not in Good Standing" is normally ineligible for future employment with the County.

Reduction-In-Force

In the event that a reduction-in-force becomes necessary, consideration shall be given to the needs of the County the seniority of the employee, and the quality of each employee's past performance. No employee who has achieved regular status shall be separated while there are probationary, temporary or part-time auxiliary employees serving in the same class in the department, unless the employee is not willing to transfer to the available position. Employees who are separated from employment due to a reduction-in-force shall be given at least two (2) weeks' notice of the anticipated reduction-in-force.

Unavailability for Duty

An employee may be separated from employment with the County. when an employee is unavailable or unable to perform their assigned duties, work as scheduled or perform essential job functions due to certain circumstances, including but not limited to:

- Disability or other medical reasons;
- Available leave has been or will be exhausted within the pay period;
- Requests to use paid or unpaid leave are not approved based on legitimate business reasons which must be approved by the Human Resources Director;
- No reasonable accommodations are available, including job reassignments, which allow the employee to meet their essential job functions;
- Inability to satisfy the physical job requirements, maintain the required certifications or licenses or meet fitness for duty standards.

Retirement

When an employee meets the conditions set forth under the provisions of any retirement plan adopted by the Board of County Commissioners for County employees, he/she may elect to retire and receive all benefits earned under said retirement plan.

Death

All compensation due in accordance with 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 6. REINSTATEMENT

A regular full time employee who is separated because of a reduction-in-force may be reinstated to the same or a new position within one year of the date of separation.

An employee reinstated shall be credited with previous service years toward retiree health insurance, vacation accrual tiers, as well as and previously accrued sick leave. Reinstated employees shall receive all benefits provided in accordance with this policy upon reinstatement.

The salary paid to a reinstated employee returning to the same position shall be as close as reasonably possible to the previous salary. Those moving to a new position will be evaluated consistent with all applicants.

An employee who enters extended active duty with the Armed Forces, the Armed Forces Reserve, the National Guard, or other uniformed services of the United States will be granted reinstatement rights commensurate with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

ARTICLE IX: GRIEVANCE PROCEDURE

The County is committed to providing employees an effective and responsive grievance and conflict resolution process. **In this Article, the term “days” refers to calendar days.**

SECTION 1: DEFINITIONS

Career Status - Employees in the Public Health Department and Department of Social Services are subject to the State Human Resources Act and are afforded rights of appeal to the Office of State Human Resources once they achieve career status. Career status for these employees is achieved when an employee has completed 12 continuous months of employment in a position subject to the State Human Resources Act, whether as employees of Randolph County government or as employees of another office or agency. However, when an employee transfers to another office or agency, that employee’s career status is suspended during his/her probationary period and restored upon successful completion of the probationary period if the transfer was completed within 31 calendar days. Career status is lost when an employee experiences a break in service of more than 31 days. (25 NCAC O11.2002)

Grievance - A claim or complaint by an employee based upon an event or condition which affects the circumstances under which the employee works. A grievance may involve allegations of involuntary demotion, suspension, dismissal, harassment, and discriminatory practices. A grievance is not allowed for performance evaluations, investigatory suspensions, and voluntary demotions. An employee in a grant-funded position may not file a grievance based on an employment decision that is a result of lack of funding.

SECTION 2. GRIEVANCE FOR ADVERSE ACTION

- A. When a full-time employee is dissatisfied with an adverse action of demotion, suspension, dismissal, or reduction-in-force, he/she may file a formal written grievance with his/her Department Head as provided below. With the exception of employees who are subject to the State Human Resources Act (see Section 3 below), an employee whose direct supervisor is also the Department Head, has the choice to file the formal written grievance with either his/her Department Head or to the Assistant County Manager.
- B. While every effort shall be made to expedite the grievance process, the time limits contained in this Section may be extended when approved by the Human Resources Director. Provided, however, that the fifteen (15) day time limit, outlined below, to initially file a grievance shall not be extended. Grievances filed outside of this fifteen (15) day time limit period shall be dismissed.

C. In filing a grievance, the following steps shall be taken:

1. The employee shall present the grievance in writing to the Department Head or Assistant County Manager, when applicable, within fifteen (15) days of the date that the issue is made known to the employee. The employee must choose whether to appeal to their department head or to the Assistant County Manager, but may not appeal to both. The grievance should contain the following information: the decision or action that the employee does not agree with, the basis on which the action is wrong or unfair, and the proposed resolution that the employee is seeking. The employee shall also file a copy of the grievance with the Human Resources Director.
2. Upon receipt of the grievance, the Department Head or Assistant County Manager shall arrange for the employee to present his/her case within fifteen (15) days. The employee may not be represented or assisted by others at this level of the grievance, but may present evidence or have witnesses testify. The Department Head or Assistant County Manager will make a decision within ten (10) days after the hearing, and a written copy of this decision will be immediately furnished to the employee, the Human Resources Director and the County Manager.
3. If the employee is not satisfied with the decision of the Department Head or Assistant County Manager, the employee may request that the grievance be referred to the County Manager. This request must be made to the Human Resources Director, in writing, within ten (10) days after the decision of the Department Head or Assistant County Manager.
4. The County Manager shall hear the employee's concerns, review the written documents and supporting evidence, and consult with whatever other sources he/she deems appropriate. The employee may not be represented or assisted by others at this level of the grievance, but may present evidence or have witnesses testify. The County Manager shall present his/her decision, in writing, to the employee and the Department Head and/or Assistant County Manager within fifteen (15) days after completing the hearing. In appeals involving Office of State Human Resources (OSHR) employees, the County Manager will hear the appeal and consult with the Public Health Director or Department of Social Services Director.

The decision of the County Manager ends the formal grievance process and is the final and binding decision of the County. By general statute, the final decision of the Public Health or Social Services director will be the final binding decision of the County for all OSHR employee appeals.

SECTION 3. EMPLOYEES SUBJECT TO STATE HUMAN RESOURCES ACT

Public Health and Department of Social Services employees must first exhaust the County grievance policy outlined above in Section 2 of this Article. If unhappy with the County resolution, all Health and Department of Social Service employees with career status can then file a Petition for Contested Case hearing with the Office Administrative Hearings. If the grievance is in regard to harassment or discrimination, the employee may avail himself/herself of the County harassment complaint procedure or may appeal directly to the Office of Administrative Hearings within thirty (30) days of the alleged harassment/discriminatory act. Copies of grievance/complaints filed with the Office of Administrative Hearings must also be sent to the Department Head, the Human Resources Director and the County Manager.

All decisions by the Office of Administrative Hearings, other than cases of harassment or discrimination, shall be advisory to the local appointing authority as defined by statute.

SECTION 4. MAINTENANCE OF GRIEVANCE RECORDS

The Human Resources Director shall keep a file of all grievances and complaints filed. If a grievance/complaint is withdrawn, the record shall include a statement from the complainant indicating the reason for withdrawal.

The records described above shall be retained by the Human Resources Director for a minimum of three (3) years and are subject to review by the complainants, the complainant's Department Head, the County Manager, and the County Commissioners.