

# *Personnel Policy Resolution*



Wilson County, North Carolina

# **RESOLUTION INDEX**

		<u>Page</u>
Article I	Organization of Personnel System	1
Article II	Classification Plan	6
Article III	Recruitment and Selection	8
Article IV	Appointments and Separation	11
Article V	County Pay Plan	14
Article VI	Conditions of Employment	20
Article VII	Holidays and Leave	26
Article VIII	Employee Benefits	35
Article IX	Separation and Reinstatement	40
Article X	Appeal/Grievance Procedure	44
Article XI	Personnel Records and Reports	47
Article XII	Travel Policy	50
Article XIII	Drug-Free Workplace	56
Article XIV	Conflict of Interest Policy	63

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

		<u>Page</u>
Section 1	Purpose	2
Section 2	Limitations	2
Section 3	Coverage	2
Section 4	Definitions	3
Section 5	Merit Principle	4
Section 6	Responsibility of Board of Commissioners	4
Section 7	Responsibility of County Manager	4
Section 8	Responsibility of Human Resource Director	5
Section 9	Responsibility of Appointing Authority	5
Section 10	Responsibility of Employees	5

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

## **Section 1. Purpose**

The purpose of this policy is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees. This policy is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina. All policies shall be effective October 7, 1996 and are not retroactive.

## **Section 2. Limitations**

This is not a contract of employment. Any individual may voluntarily leave employment upon proper notice and may be terminated by the employer at any time for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or current employee. The contents of this resolution are subject to change at any time at the discretion of the Board of Commissioners. Application of this resolution may be limited to those employees subject to the State Personnel Act along with the Sheriff and Register of Deeds.

## **Section 3. Coverage**

- A. All employees in the County's service, including employees of the County Sheriff and the Register of Deeds, are subject to this policy, except as provided in this section.
- B. Elected officials, the County Manager, the County Attorney, consultants, volunteers, and contract employees are exempt from all provisions of this policy.
- C. The following employees are covered only by the specifically designated articles and sections:
  - 1. Employees governed by the State Personnel Act shall be subject to all articles except article IX section 4 & 6 and article X.
  - 2. Employees of the North Carolina Cooperative Extension Service shall be subject to all articles except articles II, III, and V.
  - 3. The Director of Elections shall be subject to all articles except articles III, IX section 4 & 6, and article X.
  - 4. Employees of the County Sheriff and the Register of Deeds shall be subject at their discretion to all articles but are exempt from article IX with the exception of sections 3, 5, 8, & 9 and article X.
  - 5. Temporary employees, as designated by the Board of County Commissioners, shall be subject to all articles except articles VII, and VIII.

*Amended 5/5/97*

## **Section 4. Definitions**

**Aggregate Service.** The employee's combined total period of regular service as an employee of Wilson County, inclusive of any time allowed as transfer credit from another jurisdiction for the purpose of determining entitlement to the particular benefit in question. Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the Local Government Employee's Retirement System by the employee.

**Anniversary Date.** The employee's most recent date of employment with Wilson County in a position which qualifies for the retirement program.

**Appointing Authority.** Any County board or official with the legal authority to make hiring decisions such as the Board of Commissioners, County Manager, Sheriff, and Register of Deeds. Also included are the Department Heads of both the Health Department and the Department of Social Services.

**Appointment.** The approved employment of an applicant or employee to perform the duties and responsibilities of an established position.

**Class.** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

**Exempt Employee.** Full- and part-time employees classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act who are paid for the accomplishment of assigned duties and responsibilities rather than being paid for the number of hours worked in a work period.

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

**Grievance.** A claim or complaint regarding conditions of work which affects the circumstances under which an employee works, allegedly caused by misinterpretation or unfair application of policy.

**Non-Exempt Employee.** Employees who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy. Overtime is paid or compensatory time off given to non-exempt employees for hours worked in excess of the standard work periods established by the County.

**Personnel Committee.** Composed of three (3) members of the Board of County Commissioners, designated by the Board of County Commissioners.

**Shift Work.** The scheduling of hours by rotating hours worked other than eight (8) hours per day, Monday through Friday.

*Amended 7/7/97*

**Standard Work Periods.** Standard work periods for Wilson County employees are as follows:

<u>Category</u>	<u>Work Period</u>	<u>Standard Work Hours</u>
Deputy Sheriff	28 Days	171 Hours
Detention Officer	28 Days	171 Hours
ECC	7 Days	40 Hours (fluctuating)
EMS	7 Days	40 Hours (fluctuating)
All Others	7 Days	40 Hours

**Subject to State Personnel Act (SPA).** An employee of the Department of Social Services, Department of Public Health, or Office of Emergency Management receiving federal grant-in-aid funds.

### **Section 5. Merit Principle**

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

### **Section 6. Responsibility of the Board of County Commissioners**

The Board of County Commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when required by law. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised or repealed through the same procedure. As with new personnel policies, revisions in personnel policy are also effective upon approval by the Board, unless otherwise designated.

### **Section 7. Responsibility of County Manager**

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

The County Manager shall provide written procedures and forms necessary for the proper administration of policy set forth in this resolution and shall instruct staff in their appropriate use. Any questions concerning the application or interpretation of personnel policies or rules stated herein shall be directed by employees through appropriate supervisory channels. Any questions on the part of department heads concerning the applicability or interpretation of policies or rules should be directed to the County Manager before proceeding. The County Manager is responsible for interpretation of policy based upon any questions arising from the application of this resolution.

*Amended 07/09/2007*

## **Section 8. Responsibility of the Human Resources Director**

The County Manager may appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan, the pay plan, and perform such other duties in personnel administration program as the Manager shall require.

## **Section 9. Responsibility of Appointing Authority**

The appointing authority shall be responsible for enforcing all provisions of the County Manager and any other legislative rules or regulations and departmental policies not subject to this resolution.

## **Section 10. Responsibility of Employees**

Each employee shall be provided a copy of the Personnel Policy Resolution at the time of employment and shall sign a statement verifying receipt. Employees are responsible for familiarity with the contents of this manual, which is intended to help guide them toward job behavior reflecting credit upon the employees as well as Wilson County. Employees are also responsible for following specific policies within each department as set by the department head and approved by the County Manger.

## **ARTICLE II - CLASSIFICATION PLAN**

		<u>Page</u>
Section 1	Allocation of Positions	7
Section 2	Administration	7

## **ARTICLE II. CLASSIFICATION PLAN**

### **Section 1. Allocation of Positions**

The allocation of a position is its assignment to a class containing all positions which are sufficiently similar in duty assignments to justify common treatment in selection, compensation, and other employment processes. The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

### **Section 2. Administration**

- A. The County Manager and the Human Resources Director are responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads are responsible for bringing to the attention of the County Manager and Human Resources Director the need for new positions and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.
- B. Actions involving the establishment of new position(s) must be submitted to the Personnel Committee via the Human Resources Director and the County Manager. The Personnel Committee will review the request with the agency director and recommend action to the Board of Commissioners. The action of the Board of Commissioners will include the assignment of new position(s) to the appropriate class in the classification pay plan. The Board of Commissioners will direct the allocation of a new position to the Regional Office of State Personnel to determine classification.
- C. Reclassified position(s) will be assigned when a substantial change has occurred in the nature or level of duties and responsibilities of an existing position. Actions involving the reclassifications of existing position(s) must be submitted to the Personnel Committee via the Human Resources Director and the County Manger. The Personnel Committee will review the request of the agency director and will recommend action to the Board of Commissioners. The action of the Board of Commissioners will include the assignment of the new position to the approved class in the classification pay plan. In the case of positions subject to the State Personnel Act, the Board will direct that the position be referred to the Regional Office of State Personnel.

## **ARTICLE III - RECRUITMENT AND SELECTION**

		<u>Page</u>
Section 1	Statement of Equal Employment Opportunity Policy	9
Section 2	Recruitment	9
Section 3	Position Vacancy Announcements	9
Section 4	Application for Employment	9
Section 5	Qualification Standards	9
Section 6	Selection	10

## **ARTICLE III. RECRUITMENT AND SELECTION**

### **Section 1. Statement of Equal Employment Opportunity Policy**

The County of Wilson maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, disability, age, political affiliation, or any other non-merit factor, in accordance with the Affirmative Action Policy adopted by the Board of Commissioners.

### **Section 2. Recruitment**

It is the policy of Wilson County to maintain a systematic, consistent recruitment program; to promote equal employment opportunities; and to identify, attract, and select the most qualified applicants to develop the human resources necessary for present and future work. This policy is to be achieved by centralizing procedures through the Personnel Office, announcing all position vacancies, evaluating all applicants on the same criteria, and applying testing methods through the local office of the Employment Security Commission.

### **Section 3. Position Vacancy Announcements**

Vacated positions shall be reviewed by the department head to determine any changes in current job description. The department head shall then forward notification of vacancies in authorized positions as provided by the classification plan and budget to the Human Resources Director. The Human Resources Director shall review the requisition, verify proper classifications, and forward to the County Manager for approval.

Vacancies will be described in an announcement including, at minimum: title, salary range, key duties, knowledge and skill requirements, minimum qualifications, experience standards, and closing date of the announcement. Department heads have the option of posting a vacated position internally within the department for a minimum of five (5) working days or they may choose to advertise outside the department, in which case the position must be posted for a minimum of ten (10) working days. Any vacancy for which department head wishes to consider outside applicants concurrently with the internal work force shall be listed with the local office of the Employment Security Commission. Optional recruiting publicity shall be carried out through the media, as appropriate.

### **Section 4. Application for Employment**

The Wilson County Employment Application shall be the standard application accepted for any and all position listings. Applications may be accepted either at the County Personnel Office, the Employment Security Commission, or a department designated to receive applications.

### **Section 5. Qualification Standards**

- A. All applicants considered for employment or promotion shall meet at least the minimum qualification standards established by the class specifications and/or job description relating to the position.
- B. The department head is responsible for determining the vacancy-specific qualifications that are an addition to minimum class standards. The department head is accountable

for the adverse effects resulting from the use of qualification standards that are unreasonably construed.

## **Section 6. Selection**

The Human Resources Director and department heads shall develop, use, and document, on a consistent routine basis, a selection process that best suits the County's needs in filling positions within each department. All selection methods developed and utilized by the department head shall be valid measures of job performance.

Departments subject to the State Personnel Act shall transmit required information on applicant selection to the Office of Regional State Personnel in accordance with the established written policies and procedural guidelines.

## **ARTICLE IV - APPOINTMENTS & SEPARATION**

		<u>Page</u>
Section 1	Appointments	12
Section 2	Probationary Period of Employment	12
Section 3	Types of Appointments and Duration	12
Section 4	Demotion or Reassignment	13

## **Article IV. Appointments and Separations**

### **Section 1. Appointments**

- A. Before any applicant begins work, the Human Resources Director may require a meeting with the department head to discuss the appointment. The Personnel Action Form, the original application for employment, test score sheet (when applicable), and any additional supporting documents may be reviewed by the County Manager via the Human Resources Director.
- B. If the duties of the position include operation of County-owned or County-insured vehicles, the department head must conduct a review of the driving record of the individual to be hired prior to issuing an offer of employment. The record will become a part of the personnel file.
- C. All job finalists are required to undergo drug screening upon an offer of employment and prior to final appointment as a County employee. Finalists who refuse to undergo drug screening will not be considered for employment .
- D. The Sheriff, Register of Deeds, Director of Social Services, and Public Health Director shall appoint all employees within their respective departments. The Director of Social Services shall be appointed by the Department of Social Service Board. The Public Health Director shall be appointed by the Board of Health. The Tax Administrator shall be appointed by the Board of Commissioners. All others shall be appointed by the County Manager.
- E. The Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage, or nearer kinship than first cousin, or of a person who has been convicted of a crime involving moral turpitude.

### **Section 2. Probationary Period of Employment**

An employee appointed to a regular position shall serve a probationary period of not more than twenty four (24) months. The length of time is dependent upon the complexity of the position and rapidity of progress made by the particular individual in the position. If the employee's performance meets the required standard of work and probationary period is complete, the employee shall be given permanent status. At any time during a probationary period, an employee may be dismissed for causes related to performance of duties or personal conduct.

Employment in a temporary appointment may be credited toward the probationary period at the discretion of the department head with approval of the County Manager.

*Amended 10/05/2009*

### **Section 3. Types of Appointments and Duration**

#### **A. Permanent Appointment**

A permanent appointment is an appointment to a permanently established position. Permanent appointments follow the satisfactory completion of a probationary and/or trainee appointment, or may be made upon reinstatement of a qualified employee.

*Amended 7/7/97*

B. **Promotion**

When it is feasible, a vacancy will be filled by promotion of a qualified, permanent Wilson County employee. Selection should be based upon demonstrated capacity and quality of services. If promotion results from movement to another position, the candidate must possess the minimum training and experience for the class. If a current County employee is chosen for promotion, the department head shall forward recommendations for classification and salary to the Human Resources Director. After considering the department head's recommendation, the County Manager shall determine the starting salary for the employee.

C. **Work-Against Appointment**

When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum education and experience requirements of the class to which initially appointed.

D. **Temporary Appointment**

A temporary appointment may be made to a permanent or temporary position. At the time of appointment the department head, with approval of the County Manager, shall determine the duration of a temporary employment. The maximum duration of appointment is twelve months not to exceed 1000 hours.

E. **Trainee Appointment**

A trainee appointment may be made to a position in any class for which the specifications include special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if he or she possesses the acceptable training and experience for the class. An employee may not remain on a trainee appointment beyond the time he or she meets the educational and experience requirements for the class and must be paid at a rate below the minimum of the regular class.

#### **Section 4. Demotion or Reassignment**

Demotion or reassignment is a change in status resulting from assignment of a position to a lower classification level. It may result from the choice of the employee, reallocation of a position, inefficiency in performance, unacceptable conduct, reduction-in-force, or better utilization of individual resources. If the change results from inefficiency in performance or as a disciplinary action, the action is considered a demotion. If the change results from a mutually agreed upon arrangement, the action is considered a reassignment. When an employee in permanent, probationary or trainee status is demoted, it is expected that he or she will possess the minimum qualifications required for the new class at the respective level of appointment.

An employee who is demoted will be assigned to the salary grade of the new position, at the same step of his or her current position. An employee who is reassigned will be assigned to the salary grade of the position at a step recommended by the department head and approved by the County Manager.

## **ARTICLE V - COUNTY PAY PLAN**

		<u>Page</u>
Section 1	Maintenance	15
Section 2	Definitions	15
Section 3	Administration	15
Section 4	New Appointments/Starting Salary	15
Section 5	Payment at a Rate within the Salary Range	15
Section 6	Trainee and Work-Against Salary	16
Section 7	Pay Rates in Promotion, Demotion, Transfer, and Reclassification	16
Section 8	Pay for Part-time Work	17
Section 9	Beeper Duty/On-Call	17
Section 10	Adjustment to Pay	17
Section 11	Overtime	17
Section 12	Compensatory Time	19
Section 13	Payroll Deductions	19
Section 14	Payroll Procedures	19

## **ARTICLE V. COUNTY PAY PLAN**

### **Section 1. Maintenance**

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

### **Section 2. Definitions**

**Maximum Salary Rate.** The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

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

**Salary Grade.** All positions which are sufficiently comparable to warrant one range of pay rates.

**Salary Schedule.** A listing by grade and step of all the approved salary ranges authorized by the Board of County Commissioners for various position classifications of County government.

### **Section 3. Administration**

The pay plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive and consistent with County fiscal policy and availability of funds. The pay structure shall also maintain proper internal relationships among all positions based on relative duties and responsibilities. The compensation plan shall meet the requirements of the State Personnel Act for local government employees while maintaining a County-wide plan.

### **Section 4. New Appointments/Starting Salary**

The entrance salary rate for an employee shall be at the minimum of the assigned salary range. Hiring an employee above the minimum salary range may be made with approval from the County Manager when deemed necessary in the best interest of the County, based on such factors as superior qualifications of the applicant, shortage of qualified applicants available at the hiring rate, or refusal of qualified applicants to accept employment at the minimum range. Any appointment above the mid-point must be approved by the Board of County Commissioners.

### **Section 5. Payment at a Rate within the Salary Range**

- A. Employees covered by the pay plan shall be paid at a rate within the salary range established for their respective job class except for employees in a trainee status or

employees whose present salaries are above the established maximum rate following transition to a new compensation plan.

- B. When an employee attains the maximum rate of a salary range for his or her present position, no further salary increase will be received unless (1) the position is reclassified to a higher salary range, (2) the employee is promoted to another position with a higher salary range, or (3) the salary range for the present position is increased.

### **Section 6. Trainee and Work Against Salary**

An applicant hired, or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, shall be appointed with the approval of the County Manager or within the rules established by the Office of State Personnel in a "trainee" or "work-against" status. In the trainee status, employees will be paid twelve (12) dollars per year less than Step 1 of the respective grade which the employee is training against unless the employee is currently employed on a step of a salary that is higher than rules indicate. In this case, salary will not be lowered and the employee will receive appropriate increase at the time he or she satisfies trainee status. An exception is made to the reduction in salary if the current employee is a grade/step of a salary which is higher than those rules indicate, in which case, salary will not be lowered and he or she will receive an appropriate increase at the time he or she satisfies trainee status. An employee in work-against status will be paid in the salary grade in which he or she currently qualifies at the step closest to step one of the position in which the employee is working against. An employee in a trainee or work-against status shall continue to receive a reduced salary until the appointed authority and/or the County Manager determines that the employee is qualified to assume the full responsibilities of the position.

### **Section 7. Pay Rates in Promotion, Demotion, Transfer, and Reclassification**

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

- A. When a promotion occurs, if the employee's salary is below step one of the new salary, it shall be increased to the minimum, or the equivalent of two (2) steps above the current salary, whichever is the greater sum.
- B. When an employee is reclassified to a grade level below that of the current level, the employee's salary will be assigned to the salary grade of the position at a step recommended by the Department Head and approved by the County Manager. If an employee is demoted for cause, the individual's salary will be placed in the salary range for the grade of the lower classification at a step (normally the current step) indicative of the individual's years of service, as long as the reduced salary does not fall below the minimum salary rate of that range. Responsibility for the above action shall be the department head's with approval from the County Manager, or in the case of Department Heads, by the Board of County Commissioners.
- C. When a transfer occurs from a position in one class to a position in another class, assigned to the same pay grade, the employee shall continue to receive the same salary. Transfers between departments must be approved by the County Manager upon recommendation of both affected department heads.

- D. When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to at least the minimum step of the new pay grade. An employee's salary may be adjusted in accordance with the same procedures outlined under Section 7.A. of this Article.

### **Section 8. Pay for Part-Time Work**

Compensation of any employee appointed for less than the standard work period established by the County shall be computed on an hourly basis. All employees who work less than the standard work period established by the County or straight time basis will be covered by Workers' Compensation and Social Security.

### **Section 9. Beeper Duty/ On-Call**

Carrying a beeper or being on-call is considered to be a back-up position for an emergency situation. Individuals are not restricted to the employer's premises or their own residence but must remain in their respective response area. Since the employee may use this time for his or her own purposes it should not be counted as work time. A designated pay shall be set based on service performed on a weekday, weekend, or holiday. In the case that an employee's service is utilized and he or she surpasses the allotted regular work hours, reference should be made to Section 11, Overtime.

### **Section 10. Adjustment to Pay**

If an employee works less than the full pay period and has inadequate leave of absence with pay to cover the period for which the employee is absent from work, the amount of pay shall be calculated by multiplying the hours short in the pay period by the hourly rate of pay. This amount will be subtracted from the employee's base monthly pay.

### **Section 11. Overtime**

It is the goal of Wilson County to provide a work load that can be processed within the normal working day. Employees are expected to work during all assigned periods exclusive of mealtimes. Work in excess of the regular schedule is discouraged unless absolutely necessary and should be performed only with the approval from the supervisor, department head, or County Manager. The prior approval from the County Manager must be secured by the department head before any extensive overtime is ordered.

Wilson County abides by all applicable sections of the Fair Labor Standards Act. The County will properly record all applicable overtime accrued for each covered employee. The overtime policy does not apply to Department Heads, who are exempt under the Fair Labor Standards Act. The County Manager may approve overtime compensation to Department Heads in unusual circumstances.

- A. Based upon the provisions of the Fair Labor Standards Act, employee work which has not been requested or authorized by management but is allowed is considered work time. Therefore, when an employee voluntarily works prior to or after his or her regularly scheduled work day and it is permitted, it is considered overtime when in excess of the regularly scheduled work period. Department heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time in accordance with the established record keeping forms and instructions.

B. Employees who work excess hours because of an emergency situation shall advise their supervisor of the overtime worked as soon as feasible and will be compensated accordingly.

C. Overtime is earned at the rate 1½ times the hour worked for non-exempt employees and one times hours worked for exempt employees. The County Manager may authorize compensatory time for department heads in unusual circumstances. The time which employees work must be recorded daily on their time sheets.

*Amended 7/7/97*

D. Sick leave, military leave, holidays and vacation time in a work period will not count toward computing overtime hours.

E. On-call periods should not be counted for the purpose of computing work hours. Individuals assigned to be on-call are not restricted to a specific location but must remain in their response area while keeping the County Communications Center or their supervisor informed of their location and telephone number. Since the employee can use this time for his or her own purposes it should not be counted as work time. Employees who are called to work outside regularly scheduled working hours will be compensated for overtime if the time work exceeds their normally work schedule.

F. Overtime Rates For Non-Exempt Employees

When overtime is paid, it is at the rate of 1½ times the employee's regular hourly equivalent salaried rate for those hours worked in excess of forty (40) hours per week for non-law enforcement personnel. If the employee's standard seven (7) day work period is forty (40) hours, then the employee's regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2,080.

Annual full-time salary / 2,080 = regular hourly rate

Overtime pay = Regular hourly rate x 1.5 x overtime hours

G. Overtime Rates For Law Enforcement

When overtime is paid, it is at the rate of 1 1/2 times the employee's regular hourly equivalent salaried rate for those hours worked in excess of 171 hours in the 28-day work period. The employee's regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2,223.

Annual full time salary / 2,223 = regular hourly rate.

Overtime pay = regular hourly rate x 1.5 x overtime hours.

*Amended 07/09/2007*

H. Overtime Rates For Fluctuating Workweek Plan Employees

Employee is paid a fixed salary covering the number of hours a week the job demands. Any overtime is compensated at 1 ½ the employee's regular rate.

Regular Rate = Weekly Salary/ Hours Worked  
Half-Time Premium = Regular Rate x ½  
Extra "Half-Time" Pay = Half-Time Premium x Number Hours Worked Over 40

## **Section 12. Compensatory Time**

Compensatory time off shall be used in lieu of overtime compensation unless approval is granted by the County Manager.

- A. Compensatory time is earned as the rate of 1½ times the hour worked for non-exempt employees and one times hours worked for exempt employees. The County Manager may authorize compensation time for department heads in unusual circumstances. The time which employees work should be recorded daily on their time sheets. If work is conducted outside of their regular hours, the case name and/or nature of work should also be recorded.
- B. Compensatory time may be preserved indefinitely, although employees are encouraged to use it soon after it is earned. Employees wishing to use accrued compensatory time must request it from their supervisor. Department heads are responsible for administering their compensatory policies by allowing employees to use part or all of accrued time within a reasonable period so that hours do not accrue to excessive levels, unless to do so would unduly disrupt the department's operations. In situations in which compensatory time off is not practical, and with approval from the County Manager, employees will be paid monetary compensation for overtime.
- C. For employees whose regular work includes public safety and emergency response, the maximum accrual of compensatory time shall be 480 hours or 320 hours of overtime actually worked. For all other employees, the maximum accrual of compensatory time shall be 240 hours or 160 hours of overtime actually worked. Once an employee reaches these limits, payment will be made for all overtime hours worked or compensatory time off must be used before the employee can accrue more compensatory time.

## **Section 13. Payroll Deductions**

Federal and state income taxes; federal, state, and local tax garnishments; social security tax; withholding for court-ordered 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. State and Local Credit Union deductions and insurance coverage requested by the employee and 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. Any other payroll deduction must be approved by the Board of County Commissioners.

## **Section 14. Payroll Procedure**

All employees shall be paid monthly.

*Amended 09/09/2008*

## **ARTICLE VI - CONDITIONS OF EMPLOYMENT**

		<u>Page</u>
Section 1	Workweek	21
Section 2	Gifts and Favors	21
Section 3	Political Activity Restricted	21
Section 4	Employee Harassment	22
Section 5	Conflicting Employment	24
Section 6	Limitation of Employment of Relatives	24
Section 7	Performance Appraisals	24
Section 8	County Property	24
Section 9	Telephone Use	25

*Amended 7/7/97*

## ARTICLE VI. CONDITIONS OF EMPLOYMENT

### Section 1. Workweek

#### A. Standard Workweek

The standard workweek for all Wilson County employees will be from 8:00 a.m. until 5:00 p.m., Thursday through Wednesday, with one (1) hour permitted for lunch, with the exception of Law Enforcement, Detention Officers, and EMS, which shall be an assigned shift with a cumulation of 171 hours per 28 days, with one (1) hour permitted for meals during the respective shift. Department heads shall work the hours necessary to ensure the satisfactory performance of their departments, but not less than the standard work period established by the County for their department. When the activities of a particular department require some other schedule to meet the work needs, the County Manager may authorize a deviation from the established standard schedule.

#### B. Flex-time Workweek

A department head may establish with approval of the County Manager a flexible daily work schedule deviating from the standard workweek. Employees must maintain a 40-hour workweek from Thursday to Wednesday for time-sheet purposes and must exercise a consistent schedule for no less than three (3) month intervals.

### Section 2. Gifts and Favors

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

### Section 3. Political Activity Restricted

- A. Every employee of Wilson 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 the laws of the State of North Carolina and by the Constitution and the laws of the United States of America. However, while on duty, no employee of Wilson County shall:
  - 1. Engage in any political or partisan activity;
  - 2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

3. Be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
  4. Coerce or compel contributions for political or partisan purposes by another employee of the County;
  5. Use funds, supplies, or equipment of the County for political or partisan purposes.
- B. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.
- C. Any violation of this section may subject such employee to dismissal or other disciplinary action.

#### **Section 4. Employee Harassment**

Wilson County expressly forbids harassment of employees because of age, race, sex, color, religion, handicap, national origin or political affiliation. Even in mild form, such harassment constitutes unacceptable personal conduct and is subject to disciplinary action. More serious instances of harassment will carry more serious penalties, up to and including dismissal. Sexual harassment of employees by supervisors or co-workers is forbidden in any form.

#### **Definitions**

**Harassment.** Behavior based on age, race, sex, color, religion, handicap, national or origin that offends another employee.

**Political Affiliation Harassment.** Behavior based upon political affiliation offending another employee. Employee feeling harassment shall follow Grievance Procedures, Article X.

**Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one or more of the following occur:

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

No employee may engage in conduct that falls under the definition of sexual harassment as indicated above. No personnel decisions shall be made on the basis of granting or denying sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment.

Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by employees or prospective employees.

*Amended 11/2/98*

Alternative Complaint Procedures - An employee who believes he or she may have a complaint of harassment may pursue five alternative complaint procedures. If the complaint concerns allegations of sexual harassment, in order to be pursued, it is required by federal law to be filed with the EEOC within 180 days of the time of the alleged incident. The following alternatives shall apply:

**Alternative 1**

The employee should tell the person who is offending him or her that the behavior is offensive and should stop. Because offensive behavior often is not intended as harassment, letting the individual know that the behavior is offensive and instructing the individual to stop will often resolve the problem.

**Alternative 2**

The employee should notify his or her immediate supervisor of the situation. The immediate supervisor is responsible for investigating the situation and taking corrective action following consultation with the department head, County Manager, and Human Resources Director.

**Alternative 3**

If the allegation of harassment is against the immediate supervisor, the employee should report the situation to his or her department head. The department head is responsible for investigating the situation and taking corrective action. If the allegation is against the department head, the complaint should be reported to the County Manager, who will assume responsibility for investigating the situation. If the allegation of harassment is against the County Manager, the employee should report the situation to the Chairman of the Board of County Commissioners. The Chairman will personally investigate the complaint or designate a representative to conduct the investigation and advise the employee and Board of County Commissioners on the outcome of the investigation.

**Alternative 4**

If at any point in the process the employee prefers, he or she may report the situation to the Human Resources Director, who will assume immediate responsibility for investigating the situation and recommending appropriate corrective action to the County Manager.

**Alternative 5**

Any employee may file directly with EEOC and those employees subject to the State Personnel Act may file directly with the State Office of Administrative Hearing.

Upon receipt of a complaint alleging sexual harassment, an immediate and thorough investigation will be initiated to ascertain the facts of the case. All employees are advised that any manager, supervisor or other employee who engages in any form of sexual harassment is acting outside of the course and scope of his or her employment and is in violation of County policy.

All employees, not just the victims of sexual harassment, are encouraged to report all incidents of sexual harassment to any member of management, the department head, or County Manager. No employee will be retaliated against, in any fashion, for reporting, in good faith, any incident of sexual harassment.

Any employee determined to have engaged in conduct defined as sexual harassment may be terminated immediately for reasons of unacceptable personal conduct.

### **Section 5. Conflicting Employment**

No employee shall hold any office or have other employment which may conflict with his or her Wilson County employment. The work of the County will take precedence over other employment interests. All outside employment for salaries, wages, or commissions must be reported to the employee's department head before work begins. The appointing authority will determine whether the outside work would create a conflict of interest with County service. The assumption of outside employment without prior approval may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

### **Section 6. Limitation of Employment of Relatives**

- A. The employment of immediate family is prohibited within the same department or work unit if such employment will result in one member's supervising the other or in one member's occupying a position that has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.
- B. The term "immediate family" refers to an employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships as appropriate based on the above listing.
- C. The Board of County Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin, as required by Chapter 153A-103(1) of the North Carolina General Statutes.

### **Section 7. Performance Appraisal**

The performance appraisal is an opportunity to clarify the past and set a corrected course for the future. A performance appraisal shall be conducted at the end of an employee's probationary period and annually on the anniversary date of each employee's appointment. Although employees and supervisors are strongly encouraged to practice daily communication, the performance appraisal gives both the employee and the supervisor an opportunity to sit down on a one-to-one basis to discuss aspects of the individual's performance and job expectations.

### **Section 8. County Property**

County of Wilson equipment, including filing cabinets, bookcases, temporary record storage containers, and desks, assigned to employees, is for the storage of official county records, supplies and other property belonging to the County. Supervisors, Department Heads and, as appropriate, employees have unrestricted and unlimited access to this equipment and its contents at any time, for any reason. Wilson County is not responsible for missing personal

items. Employees are advised to use caution and judgment in regard to personal items they temporarily place in desks, filing cabinets, etc. , that belong to the County. Employees are strictly prohibited from commingling personal records with official Wilson County records.

### **Section 9. Telephone Use**

Telephones are for official Wilson County use. Charging personal long distance calls to the County without making prior arrangements may result in termination of employment.

## **ARTICLE VII - HOLIDAYS AND LEAVE**

		<u>Page</u>
Section 1	Paid Holidays Observed	27
Section 2	Effect of Work on Holidays and Other Types of Paid Leave	27
Section 3	Holidays - When Work Required	27
Section 4	Leave Policy - Vacation	28
Section 5	Leave Policy - Adverse Weather Conditions	28
Section 6	Sick Leave	29
Section 7	Family and Medical Leave	30
Section 8	Leave of Absence Without Pay	32
Section 9	Military Leave	32
Section 10	Court Leave	33
Section 11	Educational Leave with Pay	33
Section 12	Child Involvement Leave	33
Section 13	Blood Drive Leave	34
Section 14	Donation of Leave	34

## ARTICLE VII. HOLIDAYS AND LEAVE

### Section 1. Paid Holidays Observed

- A. The following holidays shall be observed by County offices and shall be counted as hours worked:

New Year's Day  
Martin Luther King Jr. Birthday (Observed same as State)  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving (2 days: Thanksgiving and the following Friday)  
Christmas (2 or 3 days) \*\*

\*\* Depending on the day of the week that is December 25

<b>Day on which Christmas falls</b>	<b>County Holidays</b>
Friday	Thursday and Friday
Saturday, Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday

All employees normally scheduled to work on the day on which the holiday falls, who qualify for retirement benefits, shall receive holiday pay.

- B. Employees who wish to use leave for religious observances must request leave from their respective department heads. The department head will attempt to arrange the work schedule so that an employee may be granted personal leave for the religious observance.
- C. When a holiday falls on a Saturday or Sunday, County observation will be on the Friday before or Monday following the holiday.

### Section 2. Effect of Work on Holidays and Other Types of Paid Leave

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

### Section 3. Holidays - When Work Required

County employees required to work on an observed holiday may be granted compensatory time off at the rate of one (1) hour off for each hour worked on the holiday if the total hours worked within the week do not exceed forty (40) hours. Compensatory time for holiday hours worked shall be granted within three (3) months of the time it is earned. If it is not feasible to allow compensatory time off within the three (3) month period, employees may receive monetary compensation in lieu of time off calculated at their standard hourly rate.

Employees who work shifts shall receive an additional eight (8) hours, per holiday, compensation in the pay period in which the holiday(s) falls.

#### **Section 4. Vacation/Personal Leave**

The purpose of paid vacation is to allow and encourage every employee to renew his or her physical and mental capabilities to remain a fully productive employee. Employees are encouraged to request leave in order to achieve this purpose. This leave may also be requested for other periods of absence for personal reasons; absences due to adverse weather conditions; and for personal illness or illnesses in the immediate family, in lieu of sick leave. Time lost for late reporting may be charted to the vacation leave account. All absences from work must be counted against the vacation benefit until exhausted. Once exhausted absences will be counted as leave without pay. Vacation leave shall be taken only upon authorization of the department head or supervisor based upon staffing needs.

An employee working or on paid leave for one-half or more of the scheduled workdays in a month, shall earn vacation leave for that month. The vacation rate is based on the length of service in the NC Local Government Employees's Retirement System. Temporary employees are not eligible for the vacation benefit. The accrual rate is as follows:

<u>Covered Service</u>	<u>Hours per month</u>	<u>Hours per year</u>
Less than 2 years	8	96
2 but less than 5 years	9.5	114
5 but less than 10 years	11	132
10 but less than 15 years	13	156
15 but less than 20 years	15	180
20 years or more	17	204

Employees working less than 40 hours shall earn leave credit on a prorated basis.

Leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed 240 hours. On December 31, the end of the benefit year, any County employee with accrued annual vacation leave in excess of 240 hours shall have leave converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes. Like regular sick leave, converted sick leave may be counted toward creditable service at retirement.

*Amended 07/01/2003*

#### **Section 5. Leave Policy - Adverse Weather Conditions**

In situations involving inclement weather, heavy snow storms, or other unusual circumstances or conditions affecting all or a majority of County departments and/or their operations, it is incumbent upon the department head to ensure that the department or office is open to the public during the normal operating period, unless prior authorization to deviate from the normal schedule has been received from the County Manager's office.

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized early

closing. Employees who leave work before an official early closing time, as well as those employees who report for work late, or do not report for work at all, will be required to use personal leave for days or hours taken. Department heads may approve specific make-up times for employees who elect to make up time lost due to weather conditions. Employees on sick or personal leave will not be charged for that leave time for any hours that offices are closed for inclement weather.

## **Section 6. Sick Leave**

- A. Sick leave with pay is not a right but a privilege granted by the Board of County Commissioners. An employee may be granted sick leave if the absence is due to:
1. Sickness or a serious health condition as defined in the Family Medical Leave Policy, which may prevent an employee from performing regular duties. Sick leave may also be granted for sickness or a serious health condition of a spouse, dependent child, or parent.
  2. A reasonable amount of time for attending medical or dental appointments, whether for the employee, spouse, dependent child, or parent.
  3. The actual period of temporary disability caused or contributed to by the birth of a child or serious health condition as defined in the Family Medical Leave Policy.
  4. Exposure to a contagious disease when continuous work might jeopardize the health of others.
  5. Death in the employee's immediate family, not to exceed two (2) days for any one occurrence, with a maximum of four (4) days within each calendar year. Additional leave time, under exceptional circumstances, may be authorized by the department head. Immediate family is defined as wife, husband, mother, father, brother, sister, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- B. Employees must notify their immediate supervisor of all requests for sick leave as soon as it is feasible. Sick leave may be taken only with the approval of the immediate supervisor.
- C. Each regular salaried employee occupying a regularly established, budgeted position shall earn sick leave on a monthly basis at the rate of eight (8) hours per calendar month. Sick leave will be accumulated for an unlimited number of days. At the time of separation any sick leave owed the County shall be deducted from the employee's final compensation.
- D. The employee's department head or the County Manager may require a statement from a physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period, the employee's department head or the County Manager may require a physical and/or mental examination at the County's expense and by a physician of its choice, to determine if the employee is able to resume normal duties. Abuse of sick leave may result in disciplinary action.

- E. Unused sick leave earned monthly may be credited toward service at time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days' unused sick leave left over.
- F. Unused sick leave earned from another North Carolina government agency by an employee who participates in the North Carolina Local Governmental Employees Retirement System, the North Carolina Employees and Teachers Retirement System, and any others approved by the North Carolina State Retirement System will be accepted and transferred to the County as follows:
  - 1. Verification of accumulated sick leave must be received in writing from the previous employer.
  - 2. Verification received in days will be accepted in hours reverting to the nearest whole.
  - 3. The total number of hours accepted will be added to the employee's record following the probationary period.
- G. Employees who resign and are not reinstated with the County within a period of three (3) years shall lose all sick leave credits. No employee shall be paid for any accrued sick leave upon termination of employment.

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

- A. Under the Family and Medical Leave Act, eligible employees may be granted up to a total of 12 weeks of leave per 12-month period, as determined below, for any of the following reasons:
  - 1. For the birth and care of the newborn child.
  - 2. For placement with the employee of a son or daughter for adoption or foster care.
  - 3. To care for the employee's child, spouse, or parent (in-laws not included), with a serious health condition; or
  - 4. to take medical leave when the employee is unable to work because of a serious health condition.
  - 5. Any qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status in support of a contingency operation. The following reasons may constitute qualifying exigencies: short notice deployment; attendance at military program related to active duty assignment; change in childcare obligations; attendance at appointments related to financial or legal planning; counseling sessions; and short-term rest and recuperation leave.

Additionally eligible employees may be granted up to 26 weeks during a single 12-month period to care for a spouse, child, parent, or next who is a current member of the Armed Forces and has incurred an injury or illness in the line of duty while on active duty in the Armed Forces.

Eligible employees include those who have been employed with Wilson County in a regular position for at least 12 months and who have worked at least 1250 hours during the previous 12 month period.

- B. The employee shall be required to exhaust all available vacation and/or sick leave, with the exception of 40 hours of sick leave and 40 hours of vacation leave prior to going on leave without pay. For the birth of a child, sick leave may be used only during the period of disability. This applies to both parents.

- 1. Periods of paid leave and periods of leave without pay or any combination thereof shall count towards the twelve (12) workweeks to which the employee is entitled. This includes leave taken under the Voluntary Shared Leave Policy.

- C. Intermittent Leave or Reduced Work Schedule: The employee may not take leave intermittently or on a reduced work schedule for newborn, adoption, or foster care leave.

Intermittent leave or reduced schedule leave may be taken when medically necessary or in the case of Active Duty Leave or Service member Family Leave. Upon request, employees must provide medical certification that intermittent or reduced schedule leave is medically necessary, the expected duration, and if the leave is necessary for planned treatment, the date on which such treatment is expected to be given and the duration of such treatment. If such leave is foreseeable, based on planned medical treatment, the County 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.

- D. Employee Responsibility - The employee shall request leave in writing no less than 30-days before the requested leave is to begin when the need for leave is foreseeable. If not foreseeable, the notice should be given as soon as possible. Failure to provide proper notice may result in the delay or denial of FMLA leave. If the leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to avoid any undue burden or disruption of operations.

Employees must provide sufficient information to determine if the leave may qualify and the anticipated timing and duration of the leave.

- E. The employee shall be deemed to have applied for leave under this policy when:
  - 1. the employee is on approved leave but has not given written notice of the intent to take family or medical leave to the supervisor,
  - 2. the employee utilizes leave for any purpose whether with or without pay for a period in excess of 30 days; and
  - 3. the basis of leave falls within the scope of this policy.

In these cases the County shall notify the employee that time spent on paid leave or leave without pay during the 30-day period is part of the 12 workweeks of leave. If the employee will not return to work after the period of leave, the agency should be notified in writing immediately. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

- F. Certification - For leave pursuant to this policy, the agency may require a claim for leave because of adoption or foster care placement be supported by reasonable proof.

Upon request, employees requesting leave because of their sickness or that of a parent, child or spouse must provide medical certification from an appropriate healthcare provider. Employees requesting Service Member Leave because of a spouse, child, parent, or next of kin has incurred an injury or illness in the line of duty while on active duty, must provide medical certification from an appropriate healthcare provider. Employees are responsible for paying for any certification or recertification. Where the County has reason to doubt the validity of the certification, they may require the employee to get the opinion of a second doctor designated by the County at County expense.

- G. Employment and Benefits Protection - The employee shall be reinstated to the same position held when the leave began or one of like pay grade, benefits, and other conditions of employment. The County may require that the employee report at reasonable intervals the employee's status and intention to return to work. The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits shall accrue during any period of leave without pay. The County shall maintain health coverage for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. The County may recover 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 other circumstances beyond the employee's control.

*Amended 10/05/2009*

## **Section 8. Leave of Absence Without Pay**

Upon the recommendation of the department head, the County Manager may grant an employee a leave without pay for a period not to exceed one (1) year for reasons of personal or family concerns not covered under Family Medical Leave. The employee on leave must pay the County for the cost of insurance or other benefits which are to be paid on the employee's behalf if the employee is to remain active in the County program. Vacation and sick leave credits shall not accrue. The employee shall be reinstated without loss of benefits accrued to the same position held when the leave began or one of like pay.

## **Section 9. Military Leave**

An employee who is a member of the National Guard or Reserves will be allowed ten workdays of military training leave annually. The employee may receive differential pay, provided that the military pay is less than the regular county pay. All military pay with the exception of food and lodging, will be counted as base pay. The employee is required to provide copies of military orders and pay vouchers to determine the supplemental amount. If military duty is required beyond the period of ten workdays, the employee may take accrued vacation or compensatory leave. If leave is not used the employee will be placed in leave without pay status. For periods of active duty, other than for training or determining physical fitness, the employee may receive differential pay for up to one year. Health insurance

benefits will cease when the period of active duty exceeds 30 days but will be immediately reinstated upon the employees return to work with no waiting period. Family members will receive benefits under COBRA guidelines.

While on military leave with or without pay, employee leave credits and benefits continue to accrue and will be credited upon return to work. Employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

*Amended 12/3/2001*

### **Section 10. Court Leave**

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

### **Section 11. Educational Leave**

Educational leave may be considered for employees of Wilson County subject to the recommendation of the employee's supervisor, department head and with approval of the County Manager. All educational expenses will be the responsibility of the employee. Circumstances under which leave may be requested are as follows:

1. Employee is pursuing a degree in higher education or a specific class during business hours.
2. Employee is seeking to increase his or her proficiency in job functions and adequate training is not available.
3. Employee must be on regular status and be working in the position long enough to be fully trained with absence from department not adversely affecting productivity.
4. The evaluation of employee's work performance must be at or above standard with no involvement in any disciplinary process and remain so throughout educational leave.
5. Employee must submit a proposal as to how time away from work will be scheduled to maintain his or her regularly scheduled work period (i.e. vacation leave, comp or flex time, adjusted work schedule).

### **Section 12. Child Involvement Leave**

Wilson County employees who are parents of a school-aged child, guardians of a school-aged child, or otherwise standing "in loco parentis" for a school-aged child shall be granted up to a total of four (4) hours of unpaid leave per year to attend activities at the child's school. Leave shall be charged to vacation leave or if no vacation leave is available, time away shall be considered leave without pay. Written requests for leave under this section should be made at least 48 hours before the time for which leave is desired and must be at a mutually agreed upon time with the employee's supervisor. At department head's discretion, an employee may be required to furnish written verification of attendance at the event from the child's school. For purposes of this section, the definition of school includes public and private schools, church schools, and preschools.

### **Section 13. Blood Drive Leave**

Employees who participate in County-sponsored blood drive will receive blood drive leave. The leave will be two (2) hours for successfully donating at each drive. Those employees who attempt to donate but are excused from donating will receive one (1) hour leave. No leave will be given to the employees who have been excused in the past and can reasonably expect to be excused in the future. An employee who cannot donate at the County sponsored drive may donate at another public drive or recruit a substitute to donate on his or her behalf.

### **Section 14. Donation of Leave**

In case of a prolonged medical condition which causes an employee to exhaust all available leave, an employee may apply for or be nominated to receive vacation leave from another employee(s). For purposes of this policy, a prolonged medical condition is generally one that is expected to require an employee's absence from work for a period of at least 20 consecutive days. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve months, an exception to the 20-day period may apply.

To be eligible, an employee must be in a regular position and apply or be nominated to receive shared leave while supplying medical evidence to support the need for leave beyond available accumulated leave. The Privacy Act's confidentiality requirements deem that the employee sign a written release form to permit the status of "potential recipient of donated leave" to be known. Participation is limited to a maximum 1,040 hours prorated for part-time employees, but may be extended by the County Manager on a month-to-month basis up to a maximum of 2,080 hours. Subject to the maximum amount of leave which can be received, an employee may be granted leave up to that which is required for the treatment or recovery period, less the employee's combined sick leave and personal leave account balance as of the beginning of the treatment or recovery period. The employee must exhaust all available leave before using donated leave. Donated leave is exempt from the maximum accumulation carryover limitations.

Donors may contribute a minimum of 4 hours of vacation leave, up to a maximum of the total vacation leave which an individual may accrue within the calendar year based on his or her accrual rate. The amount of leave donated is not to reduce a donor's account below one-half the annual accrual rate. In the case in which all donated leave is not used, the leave accounts of the donors will be credited on a prorated basis in whole hour increments. Fractions of one hour shall not be returned to an individual donor.

The department head for whom the prospective recipient works shall be responsible for reviewing the merits of requests for participation in the donated leave program and making a recommendation to the Human Resources Director and County Manager. The County may also establish a specific period during which leave may be donated to the affected employee on a case-by-case basis. A system of leave accountability must be maintained by the Finance Office, which will accurately record the donation and recipient use of donated leave. Withdrawals from the recipients' donated leave will be charged based upon usual leave policies. Leave transferred into this account may be used prospectively and/or retroactively for up to 30 calendar days to substitute for leave without pay or advanced personal or sick leave already granted to the recipient. Each approved medical condition shall stand alone. Employees who donate "excess" leave at the end of December may have it returned and converted to their sick leave accounts. The Department of Social Services and the Health Department may only utilize shared leave interdepartmentally.

## **ARTICLE VIII - EMPLOYEE BENEFITS**

		<u>Page</u>
Section 1	Insurance Benefits	36
Section 2	Unemployment Compensation	36
Section 3	Old Age and Survivor's Insurance	36
Section 4	Retirement Benefits	37
Section 5	Longevity	37
Section 6	Dental Benefit	37
Section 7	Flex Care	37
Section 8	Supplemental State 401K	37
Section 9	Supplemental 457 Deferred Compensation	38
Section 10	Consolidated Omnibus Budget Reconciliation Act (COBRA)	38
Section 11	Workers Compensation Plan	38
Section 12	Wellness Program	39
Section 13	Transfer from Another State/Local Agency	39

## **ARTICLE VIII. EMPLOYEE BENEFITS**

### **Section 1. Insurance Benefits**

- A. The County will provide individual hospitalization and group life insurance to all employees who are eligible for retirement benefits. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of thirty (30) days.
- B. Payroll deductions, at the option of the employee, shall provide hospitalization and group life insurance for dependents in accordance with the provisions of the insurance contracts.
- C. Eligibility for retirees' insurance benefits is limited to employees' contributing a total of fifteen (15) years service to Wilson County, with the last ten (10) years being continuous, and uninterrupted immediately prior to retirement. In addition to the fifteen (15) years of minimum service, the employee must also qualify to receive an unreduced benefit from the North Carolina Local Governmental Employees' Retirement System. The employee must meet the fifteen (15) years minimum service requirement to Wilson County and one of the methods for receiving unreduced benefits listed in the retirement handbook published by the Retirement System. Whether, when, and how one qualifies for one of the methods is to be determined solely by the North Carolina Local Governmental Employees' Retirement System. The county will participate in providing health insurance coverage to employees meeting these criteria to the same degree it provides for full-time county employees.

This benefit will be applied only to the retired employee, not dependents. After age 65, the county will pay only the Medicare Supplement. Retired employees may continue dependent coverage at the same level as prior to retirement at personal expense. Dependent coverage will terminate at the death of the employee. If the employee elects after retirement to take another job or is for any reason disqualified for participation, all benefits are lost, including those for dependents.

All benefits under this policy will cease when and if the retiree accepts employment with a firm or organization that provides health insurance where the retiree could qualify for coverage. Employee must elect his coverage at time of retirement. Following the date of retirement, if the retiree chooses to leave the plan or is disqualified due to accepting other employment, he or she cannot return to the plan at a later date.

### **Section 2. Unemployment Compensation**

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

### **Section 3. Old Age and Survivor's Disability Income (Social Security)**

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

benefits available at age sixty-five (65) and reduced benefits available as early as age sixty-two (62).

#### **Section 4. Retirement Benefits**

Each employee in a budgeted position scheduled to work a minimum of 1000 hours per year will be enrolled in the Local Government Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

#### **Section 5. Longevity Pay**

If funds are appropriated, longevity payment will be made to full-time employees on or shortly after December 1 of each year. For the purpose of this section only, service shall mean the creditable service with the Local Governmental Employee's Retirement System as of December 31 of the prior calendar year. Payment shall be a percentage of gross earnings from the last complete calendar year:

Less than five (5) years of service	No payment
Five (5) full years but less than ten (10) years service	2.5%
Ten (10) full years but less than fifteen (15) years service	3.0%
Fifteen (15) full years but less than twenty (20) years	3.5%
Twenty (20) full years service and over	4.0%

Effective **January 1, 1997**, payment shall be a percentage of the prior January's base salary times twelve (12). Employees eligible for longevity but hired after January 1 of that year, will receive the amount that their base salary would have been, had they been employed January 1 times twelve (12).

#### **Section 6. Dental Benefit**

All full time County employees shall be eligible for Dental Insurance. The County shall pay \$5.00 towards the employee only or family plan.

#### **Section 7. Wilson County Flexible Benefit Plan "Flex Care"**

The program allows the employee to take a voluntary pay deduction to pay for many uninsured benefits with pre-tax dollars that employee may currently pay with after-tax dollars. Employee may elect to reduce his or her salary for the Premium Only Account or the Reimbursement Account.

#### **Section 8. Supplemental State 401K**

The 401K Supplemental Plan is an additional retirement plan that allows the employee to defer a portion of his or her salary before taxes into a supplemental retirement account. Contributions are invested in the employee's choice of available funds. The County contributes two and one half percent (2.5%) to general employees gross monthly pay and five percent (5%) to law enforcement gross pay.

*Amended 12/3/2001*

## **Section 9. Supplemental 457 Deferred Compensation Plan**

The 457 Supplemental Plan is another opportunity for the employee to contribute a portion of his or her salary before taxes into a supplemental retirement account. Contributions are invested in one or more investment options of the employee's choice. The County does not contribute to this plan.

*Amended 12/3/2001*

## **Section 10. Consolidated Omnibus Budget Reconciliation Act (COBRA)**

COBRA requires employers with twenty (20) or more employees to offer continued coverage to certain employees and their family if that coverage would otherwise end. Qualifying events include voluntary or involuntary termination (other than for "gross misconduct") of employee, reduction in employee work hours, divorce or legal separation, death, covered employee becoming eligible for Medicare, and loss of "dependent child" status.

Employees may continue health care coverage for 18 consecutive months by electing to pay the monthly continuation payment. Coverage for spouse and dependent children may continue for up to 36 months depending on the qualifying event. Employees may elect COBRA up to 60 days following the qualifying event or date of notice to make the election. If the employee does not return notice the coverage will not be continued. COBRA coverage may be terminated prior to the maximum continuation period when:

- the date Wilson County ceases to provide any group health plan for employees,
- the date the employee ceases to pay required continuation payments for the coverage,
- the date the employee obtains coverage under another group health plan,
- the date the employee becomes eligible for Medicare benefits.

*Amended 12/3/2001*

## **Section 11. Workers Compensation**

The North Carolina Workers' Compensation Act provides medical expenses related to the occupational injury or disease and wage compensation after an initial waiting period of 7 days. If an employee is unable to return to work after the 7 day waiting period, the employee will receive weekly compensation of 66 2/3 percent of their average weekly wage. If the disability exceeds 21 days, the compensation for the 7 day waiting period is paid retroactively. Beginning on the 8<sup>th</sup> calendar day following the injury or illness, employees who have not returned to work will be placed in Workers' Compensation leave without pay status.

Upon reinstatement, the individual's salary will be computed on the basis of his or her last salary plus any increment or other salary increase he or she would have been entitled during the disability covered by workers' compensation. An employee will retain all accumulated sick, vacation, and compensatory time while drawing Worker's Compensation payments in a leave without pay status.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they are eligible under the Worker's Compensation Act. Any period of leave without pay for Workers' Compensation disability that qualified as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

In the instance when an employee is injured while on the job and is unable to perform his/her regular work duties due to a physicians recommendation special effort will be made to bring the employee back to work at an alternative productive duty as defined by the Department Head.

The employee performing alternative productive duty will remain at the same rate of pay as defined by his/her position. If the employee declines to work alternative productive duty lost wages incurred under workers compensation may be challenged.

*Amended 3/13/2000 and 10/05/2009*

## **Section 12. Wellness Program**

The Wilson County Wellness Program is a prevention-based program that focuses on promoting a healthy lifestyle to all County employees. The County Wellness Committee is composed of representatives from the various county departments to plan wellness needs of all County employees. Annual health screenings are organized through the Wilson County Health Department's Health Promotion Program, and educational sessions may be organized by request through the Health Department's Health Education Division.

## **Section 13. Transfer from Another State/Local Agency**

Employees accepting employment with Wilson County from another North Carolina state or local governmental agency may transfer up to forty (40) hours of accumulated vacation leave along with accumulated sick leave into the County system. Contributions and creditable service between the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System may be transferred as long as the employee is an eligible member of the System to which he or she is transferring, does not receive a refund of contributions from the System from which the employee transfers; and, files a Form 5TR available from the personnel office.

## **ARTICLE IX - SEPARATION AND REINSTATEMENT**

		<u>Page</u>
Section 1	Types of Separation	41
Section 2	Resignation	41
Section 3	Retirement	41
Section 4	Reduction in Force	41
Section 5	Disability	42
Section 6	Dismissal	42
Section 7	Death	42
Section 8	Separation Procedure	43
Section 9	Re-appointment	43

## **ARTICLE IX. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separation**

All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may be voluntarily separated from County service by either resignation or retirement. Employees may be involuntarily separated from County service by reduction in force, disability, dismissal, or death.

### **Section 2. Resignation**

Employees may resign either in "Good Standing" or "Not in Good Standing":

- A. Resignation in Good Standing occurs when an employee submits a letter of resignation a minimum of ten (10) working days prior to the effective date of resignation. Such notice shall be provided to the department head or, in the case of department heads, to the County Manager and the appropriate governing body. Employees resigning in "Good Standing" may be considered for future employment.
- B. Resignation Not in Good Standing occurs when:
  - 1. An employee fails to submit a letter of resignation at least ten (10) working days prior to the effective date of resignation.
  - 2. An employee fails to report to work one (1) working day following a leave of absence.
  - 3. An employee is absent from work three (3) consecutive working days without authorized leave.
  - 4. An employee resigns to avoid announced disciplinary action.

Employees resigning "Not in Good Standing" are ineligible for future employment.

### **Section 3. 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, the employee may elect to retire and receive all benefits earned under the retirement plan. Retirement may be based upon age and/or length of service.

### **Section 4. Reduction in Force**

The County of Wilson may separate an employee for reasons of curtailment of work, reorganization, or lack of funds. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. No regular employee shall be separated while there are temporary, probationary, or trainee employees in their first six months of the trainee progression serving in the same or related class, unless regular employee is not willing to transfer to the position held by the non-regular

employee, or the regular employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of training. A regular employee who is separated by reduction-in-force may be reinstated at any time in the future that suitable employment becomes available. The employee must meet the minimum education and experience standards for the class to which he or she are appointed. Copies of job announcements will be forwarded to qualified individuals at the address provided by the individual for a period of 12 months after the effective date of the termination.

A reduction-in-force plan will be developed by the County Manager and reviewed by the Board of County Commissioners which includes the layoff unit(s), the necessary reallocation, reassignment, and/or abolishment of positions and the names and positions of staff to be separated or work reduced hours. When a reduction in force is proposed to the Board of County Commissioners, the County Manager will inform all employees that a plan is being considered. Upon approval, but in not less than thirty (30) days prior to the reduction in force, the affected employees will be provided written notices of how the plan affects them. The County Manager will review with them the reason for the action and discuss mutual rights and responsibilities.

### **Section 5. Disability**

An employee may be separated for disability when unable to perform required duties because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination by a physician of its choice at county expense. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited.

An employee who has exhausted sick and personal leave may be put on leave of absence without pay for disability reasons. An employee may be separated from service after ninety (90) calendar days on medical leave without pay, or upon commencement of disability payments, whichever occurs first.

### **Section 6. Dismissal**

Employees of Wilson County are at-will employees whose employment may be terminated at any time, without cause, without notice and without a hearing before or subsequent to termination. The County Manger shall have sole discretion in determining what causes of action are appropriate. Employee may be demoted or dismissed for causes related to personal conduct, performance of duties, or failure to maintain required credentials. Department heads are responsible for notifying the County Manager of any situation to which the policy applies. The County Manager may consult with the Human Resource Director, the Department Head, and the County Attorney or any other county official deemed appropriate in order to determine a course of action.

### **Section 7. Death**

The estate of an employee who dies while employed by the County will be provided benefits and compensation due to the employee at the time of the employee's death.

## **Section 8. Separation Procedure**

Prior to separation from employment with the County an employee may have an exit interview with the Human Resources Director. Any County property in the employee's possession shall be returned to the County prior to separation. If the separation is involuntary, the employee will be informed of the right to appeal.

## **Section 9. Re-appointment**

- A. An employee who resigns while in good standing or who is separated because of a reduction in force may be reappointed within three (3) years of the date of separation, with the approval of the Department Head; the County Manager; and, in the case of employees subject to the State Personnel Act in accordance with the State Personnel Act policy on reappointment..
- B. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law.
- C. An employee who is reappointed may be required to serve a probationary period but shall be credited with previous service toward vacation rate and with previously accrued sick leave.

## **ARTICLE X - APPEAL/GRIEVANCE PROCEDURES**

		<u>Page</u>
Section 1	Purpose of Appeal/Grievance Procedure	45
Section 2	Personnel Committee	45
Section 3	Grievance Procedure	45
Section 4	Appeal Procedure-Adverse Personnel Action	45
Section 5	Appeal Procedure-Discrimination	46
Section 6	Maintenance of Records	46
Section 7	Other Remedies Preserved	46

## **ARTICLE X. APPEAL/GRIEVANCE PROCEDURES**

### **Section 1. Purpose**

The appeals procedure is intended to provide an adequate and fair means for hearing matters of concern to County employees.

### **Section 2. Personnel Committee**

The Personnel Committee is composed of three (3) members of the Board of County Commissioners, designated by the Board of County Commissioners, with authority to hear employees' appeals and recommend decisions to the Board of Commissioners.

### **Section 3. Grievance Procedure**

Employee complaints regarding conditions of work which are not subject to the formal appeal procedure are referred to as a grievance. A grievance is defined as any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the County:

- A. The grievance will be submitted in writing to the Department Head.
- B. The Department Head will make a decision and answer the grievance in writing within fifteen (15) days.
- C. If the department head's decision is not satisfactory to the employee, the employee may submit the grievance in writing to the County Manager within ten (10) calendar days from the department head's response. The County Manager will answer the grievance in writing within fifteen (15) calendar days after it is presented to him. The decision by the County Manager with respect to grievances shall be final.

### **Section 4. Appeal Procedure-Adverse Personnel Action**

Any employee who has completed the probationary period and who has been demoted, reduced in pay, suspended, or dismissed may appeal the action as an adverse personnel action. The appeal procedure applies to all employees of Wilson County not subject to the State Personnel Act. County employees subject to the State Personnel Act shall follow appeal procedures established by their department and the State Personnel Commission. For information purposes, departments subject to the State Personnel Act shall notify the Human Resources Director and the County Manager, in writing, of any appeal that proceeds beyond the step in the procedure at which the department head makes the decision.

#### Step One

- A. The appeal must be in writing and include specific information concerning what is being appealed and reasons why the appeal is being filed.
- B. The appeal must be submitted to the Human Resources Director and County Manger within ten (10) calendar days from the date the employee was given written notice of the action.

*Amended 7/7/97*

- C. The County Manager will consult whatever resources necessary, make a decision and notify the appellant, in writing, within ten (10) calendar days of receipt of the written appeal. If additional time is required to reach a decision, the County Manager will advise the appellant, in writing, and notify him or her of the date by which a decision will be provided.

### Step Two

- A. If the appellant is not satisfied with the decision of the County Manager, he or she may appeal to the Personnel Committee.
- B. The appeal must be in writing and include specific information concerning what is being appealed and reasons why the appeal is being filed. The appeal should be submitted through the County Manger within ten (10) calendar days from the date the appellant was notified of the County Manager's decision.
- C. The Personnel Committee shall submit a recommendation to the Board of Commissioners at the next regularly scheduled meeting. The Board may consider the recommendations of the Personnel Committee without further formal proceedings but has the option to hear the employee's appeal to the full Board.

### **Section 5. Appeal Procedures-Discrimination**

Any applicant for County employment, County employee or former County employee who has reason to believe that employment, promotion, training or transfer was denied him or her or that demotion, layoff or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed, political affiliation or handicapped status except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration shall have the right to appeal directly to the County Manager. An employee, former employee, or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action. The County Manager will advise the applicant, employee, or former employee of his decision in writing within ten (10) calendar days after receipt of the appeal. The County Manager will advise the applicant , employee or former employee of his right of appeal to the Personnel Committee as indicated in Step 2.

### **Section 6. Maintenance of Records**

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the County Manager. These records will be subject to review by the appellant, the employee's department head, the County Manager or other appointing authority, and the Board of County Commissioners.

### **Section 7. Other Remedies Preserved**

The existence of this Appeals Procedure does not preclude any individual from pursuing any other remedies available under law.

## **ARTICLE XI - PERSONNEL RECORDS AND REPORTS**

		<u>Page</u>
Section 1	Personnel Records Maintenance	48
Section 2	Information Open to the Public	48
Section 3	Access to Personnel Records	48
Section 4	Confidential Information	48
Section 5	Remedies of Employees Objecting to Material in File	49
Section 6	Penalty for Permitting Access to Confidential File by Unauthorized Person	49
Section 7	Penalty for Examining and/or Copying Confidential Material without Authorization	49
Section 8	Destruction of Records Regulated	49

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

### **Section 1. Personnel Records Maintenance**

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

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

The following information on each County employee is public information:

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

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

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

### **Section 4. Confidential Information**

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

- A. The employee or his duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited before employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A County employee having supervisory authority over another employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed 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.
- F. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- G. A record shall be made of each disclosure and placed in the employee's file with the exception of disclosure made to the employee and the supervisor.

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

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

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

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be prosecuted under state law.

#### **Section 7. Penalty for Examining or Copying Confidential Material Without Authorization**

Any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine, remove or copy any portion of a confidential personnel file may be prosecuted under state law.

#### **Section 8. Destruction of Records**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept; or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and prosecuted under state law.

## **ARTICLE XII - TRAVEL POLICY**

		<u>Page</u>
Section 1	Purpose	51
Section 2	Employees Subject to Policy	51
Section 3	Employee Responsibility	51
Section 4	Definitions and General Guidelines	51
Section 5	Transportation, Subsistence, and Other Costs	52
Section 6	Reimbursement Procedures	54

## **ARTICLE XII. TRAVEL POLICY**

### **Section 1. Purpose**

The intent of this policy is to provide County departments a comprehensive reference for uniform interpretation of policies governing reimbursement for travel, subsistence and lodging expenses that are incurred in conducting official Wilson County business.

### **Section 2. Employees Subject to Policy**

All employees whose reimbursement for travel is under the direct control of the Wilson County Board of Commissioners are subject to this policy.

### **Section 3. Employee Responsibility**

An employee traveling on official County business is expected to be as prudent and frugal as possible in securing travel expenses. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official County business are not acceptable under this standard. Employees are responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Willful violations of this policy may result in disciplinary actions.

### **Section 4. Definitions and General Guidelines**

**Authorizing Party.** An individual authorized to approve or disapprove requests, such as: travel, cash advances, and travel reimbursements. The authorizing party of departments shall be the department head. Due to the large number of employees in the Department of Social Services and Health Department, both department heads may assign designee(s).

**Per Diem Rate.** At the discretion of the department head, per diem rates or daily allowance may be set for employee travel.

**Registration Fees.** Department Heads and the County Manager are authorized to approve payment of registration fees. Registration fees may be advanced by employees and reimbursed by the County or be billed to the County by invoice. Registration fees must be supported by adequate documentation of expense.

**Reimbursement.** Payment made to traveler by Wilson County for expenses incurred during official County business. Each employee holds personal responsibility for his or her reimbursement request. Section 10 of this appendix details the procedure for reimbursement.

**Requesting Party.** The person to be reimbursed for travel costs incurred while conducting County business.

**Subsistence.** An allowance related to lodging, meal costs, and gratuities thereon.

**Transportation.** Expenses for personal automobile, taxi, bus, train, airplane, motor pool charges, auto rentals, tolls, and parking fees. All travel expenses must be incurred by and for employees, board members, or other eligible travelers while conducting official County business.

**Travel Advances.** A travel advance may be requested for such items as lodging, meals, and registration. If the requesting party does not arrange for a travel advance, reimbursement will be made to the requesting party according to the reimbursement policy. Travel advances will be issued at the discretion of the authorizing party. Travel advance requests will be submitted no later than ten (10) working days prior to the date of travel and shall include sufficient documentation to support estimated travel cost. Excess travel advances will be repaid no later than ten (10) working days after the completion of the approved travel. Travel advances will not be issued if an individual has an outstanding travel advance and a travel expense report has not been submitted.

**Travel Authorization.** Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party. For all meetings involving overnight lodging or registration, a travel authorization must be submitted by the requesting party to the authorizing party prior to the date of travel with close estimate of cost to be incurred. All reimbursement of travel is contingent upon the availability of funds. If the balance in the expenditure item is insufficient to cover the estimated cost of travel, the authorizing party will be notified by the Finance Office.

## **Section 5. Guidelines Relating to Transportation, Subsistence, and Other Cost**

Maximum reimbursement for transportation will be based on the most economical mode of travel. The requesting party is encouraged to use travel agents and lodging in advance and to travel with other employees, officials of the County, or representatives of other government units when possible.

### **A. Transportation**

1. **Commercial Airlines** - Reimbursement shall be based on coach fare, unless such accommodations are not available. Penalties and charges resulting from the cancellation of airline reservations shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made for the convenience of the County. If the cancellation or change is made for employee's personal benefit, it shall be the employee's obligation to pay the penalties and charges. In the event of accidents, serious illness, death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the County will pay the penalties and charges.
2. **Commuting following airline travel** - Employees traveling to and from the airline terminal upon reaching destination may utilize methods listed below:
  - Airport limousine -- one round-trip limousine fare
  - Taxi --Actual fare from and to airline terminal
  - Rental vehicles -- may be used only if excessive road travel is required

The actual cost of taxi and limousine fares is reimbursable when required for travel on official County business. Receipts are necessary for reimbursement.

3. **Personal Vehicle** - The use of a personal vehicle must be approved in advance by the authorizing party. The allowable County approved rate or current IRS rate will be reimbursed.
  - a. Reimbursable mileage is based on actual odometer readings for the shortest usually traveled route. Mileage reimbursement requests are for County-associated travel only.
  - b. Parking fees, tolls, and storage fees are reimbursable upon submission of receipt.
  - c. No reimbursement shall be made for the use of a personal vehicle in commuting from an employee's home to his or her duty station.
  - d. When an employee leaves his or her home to attend a meeting or training session, reimbursement will be paid for the shorter distance to the destination (home to destination or work to destination).
4. **Rental Vehicle** - Rental vehicles are to be used only when it is economically advantageous to the County. Use of a rental vehicle must be approved in advance.
5. **County Vehicles** - When an employee is conducting official County business, a County vehicle must be used when possible. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. A minimal amount of personal use, such as driving the vehicle to and from dinner, may be allowed. Any other use of a County vehicle for personal use is strictly prohibited by State law. Non-County employees may accompany County employees if they have a business interest in the travel. Use of a County vehicle must be approved by the authorizing party.

When not in use during normal working hours, or for other official business, all County vehicles shall be parked at their regularly assigned work site. The following exceptions are noted:

- a. The County Manager may assign vehicles for home to work and work to home travel for employees who respond to emergency situations outside of normal business hours.
- b. The Sheriff may authorize law enforcement officers to park their vehicles assigned to them at their place of residence when not on duty.
- c. When an employee is occasionally required to travel on County business before or after normal working hours, the authorizing party may allow the employee to drive a County vehicle to the employee's home.

## B. **Meal Reimbursement**

1. Actual cost will be reimbursed for meals which are part of a convention, meeting, or seminar approved by the authorizing party. Items to be included on the request include rate of each meal, time of departure from duty station, and time of return to duty station for each travel occurrence. Department heads have the option of setting a per diem, or daily allowance, for travel expense within their department.

2. No meal expense shall be reimbursed if travel occurred in Wilson County. Exceptions may be made for in-county luncheons or dinner meetings. Prior approval must be received by the authorizing party.
  3. There will be no reimbursement for any alcoholic beverage.
- C. Employees may receive allowances for meals for partial days of travel when the following conditions apply:
- |           |  |
|-----------|--|
| Breakfast | Departing prior to 6:00 a.m.                               |
| Lunch     | Departing prior to 10:00 a.m.<br>Returning after 2:00 p.m. |
| Dinner    | Returning after 8:00 p.m.                                  |
- D. **Lodging** - Expense will be reimbursed at actual cost or by the per diem rate set by individual departments:
1. Only single-room rates will be reimbursed unless employee shares the room with another County employee. Specific dates of lodging must be listed on the reimbursement request, substantiated by a receipt from a commercial lodging establishment. Entertainment expenses incurred during overnight stay will not be reimbursed.
  2. Local calls will not be reimbursed unless business associated. Business numbers called must be identified on lodging receipt.

## **Section 6. Reimbursement Procedures**

- A. Approval and Processing of Reimbursement Requests
1. Reimbursement requests will be submitted to the authorizing authority for approval. Following approval, the form is forwarded to the Finance Office within ten (10) working days after the travel period ends. Travel Period is defined as the month in or during which travel occurred or any other thirty (30) day period.
  2. The Finance Office will determine that the reimbursement form has been approved and is mathematically correct, and that requested reimbursements agree to submitted receipt. The Finance Office will determine that an amount sufficient to pay the request has been encumbered for payment, or that there is a sufficient unexpended appropriation in the expenditure item. The Finance Office will promptly inform the authorizing party and requesting party if payment cannot be made.
  3. The Department of Social Services and Health Department shall process travel reimbursements internally, keeping accurate records of all receipts, and submit a list of employees along with requested reimbursement monthly to the Finance Office.
- B. Travel Reimbursement from other Agencies

1. A copy of reimbursement request from another agency should be turned in with traveler's reimbursement form.
  2. A reimbursement check from another agency shall be made payable to Wilson County. If check is made out to traveler, it shall be endorsed for payment to Wilson County.
  3. Any cash reimbursement from another agency will require support documentation.
- C. Reimbursement request totaling less than \$2.00 will not be reimbursed by the County at the end of any month except June. Therefore, if the monthly total is under \$2.00 the employee should continue with a second month on the same form. Receipts are required.

## **ARTICLE XIII - DRUG-FREE WORKKPLACE**

		<u>Page</u>
Section 1	Purpose	57
Section 2	Scope and Applicability	57
Section 3	Policy	57
Section 4	Definitions	58
Section 5	Confidentiality	59
Section 6	Rules and Procedures	59
Section 7	Appeal Process	61
Section 8	Additional Standards for Sheriff's Department	62
Section 9	Additional Standards for USDOT Regulations	62

## **ARTICLE XIII. DRUG-FREE WORKPLACE**

### **Section 1. Purpose**

Wilson County desires to protect its employees and the public by maintaining a healthy and safe work environment. All personnel, equipment, and operating practices must be consistent with the highest standards of health and safety. The County is committed to developing and administering a fair and consistent policy to promote and maintain a drug and alcohol-free work environment.

### **Section 2. Scope and Applicability**

This policy is applicable to all individuals seeking employment with or presently employed by Wilson County. This policy shall govern during and outside work hours while on any property owned or leased by the County, at any time during which an individual is acting in the course and scope of employment with the County, and at any other time that a violation of this policy has a direct and adverse impact upon the performance of employee job duties.

### **Section 3. Policy**

This policy delineates the County's position with regard to the presence of drugs and alcohol in the workplace, and the influence of these substances on employees during working hours and on applicants seeking employment. It is designed to prohibit the use of drugs and alcohol by employees during times that lead to an effect on performance during work periods.

- A. The presence of drugs and alcohol in the workplace and the influence of these substances on employees during working hours are grounds for disciplinary action up to and including denial or termination of employment. All violations of criminal drug statutes occurring in the workplace will be reported to law enforcement officials.
- B. Individuals who seek employment with the County shall be required to undergo a drug screening procedure.
- C. Individuals in safety sensitive positions involved in an accident involving vehicles or machinery shall be required to undergo a drug and alcohol screening procedure.
- D. Individuals employed by the County shall be required to undergo drug and/or alcohol screening procedures when conduct on the job suggests the employee is under the influence of drugs or alcohol.
- E. All alcohol and drug screening will be conducted through an approved collection site and laboratory. Specimens submitted for laboratory analysis will be handled using secure chain of custody procedures.
- F. Screening results will be held in the strictest confidence. Applicants and employees who are tested will be provided a copy of the test results if requested. A second procedure will confirm all positive tests prior to notification.
- G. At the expense of the individual the employee or applicant receiving a positive drug test may request a second test of the same specimen within 72 hours.

- H. An employee convicted with drug or alcohol related offenses shall notify his or her immediate supervisor within five (5) days of charge. Failure to notify may be grounds for dismissal.

**Section 4. Definitions**

Alcohol and Substance Abuse- the abuse of lawfully obtained prescription drugs, over the counter drugs or alcohol when such use substantially impairs job performance, alters behavior and/or creates a risk to the health and/or safety of the employee and others and/or the use of illegal drugs or controlled prescription drugs obtained unlawfully.

Alcohol Test-testing to determine the presence of alcohol in the body as determined through the use of a breathalyzer test. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Approved Laboratory- approved and certified by the North Carolina Department of Human Resources, or the National Institution or the equivalent, to conduct employee and job applicant drug testing.

Collection Site- place that employees present themselves to provide under controlled conditions a specimen to be analyzed by the laboratory for the presence of drugs or alcohol.

Drug Test-testing a sample of body fluid by the employee/applicant to determine the presence of any of the following drugs or drug metabolites in the urine. Federal regulations mandate the cutoffs for minimum quantity of drug or alcohol that must be detected in the initial test and also in the confirmation test. Should the initial test reach the minimum cutoff limit a confirmation test is conducted using the confirmation rates established for the confirmation tests. Limits are measured in nanograms per milliliter.

<u>DRUG</u>	<u>SCREENING TEST</u>	<u>CONFIRMATION TEST</u>
Amphetamines	1000	500
Cannabinoids/Marijuana	50	15
Cocaine	300	150
Opiates	2000	2000
Phencyclidine	25	25

Employee - any person employed in a classified position with Wilson County.

Job Applicant - any person applying to become an employee in a classified or safety sensitive position with Wilson County

Reasonable Suspicion - an expressible belief based on specific, objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or drugs while at work. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.

2. A pattern of excessive absenteeism, tardiness or deterioration in work performance and abnormal conduct or erratic behavior while at work.
  3. A report of alcohol or drug use, by an employee while at work, provided by a reliable and credible source.
  4. A pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to an accident at work while under the influence of alcohol or drugs, or while conducting county business.
  5. Evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of alcohol or drugs while working on County premises, conducting County business, or operating a County vehicle, machinery, or equipment.
- I. Safety Sensitive- positions designated by Wilson County where a momentary lapse of attention, judgment, or dexterity could cause death or great bodily harm. Such positions include driving emergency vehicles, operating machinery, or carrying a firearm.

### **Section 5. Confidentiality**

The County or approved laboratory with access to drug or alcohol reports and other information acquired in the testing process shall keep this information confidential. The information shall not be released to any person other than the employee/applicant, human resources representative, or other personnel as designated by the County on a need-to-know basis, unless the employee/applicant expressly grants written permission for release of such information. The results of a positive test shall not be released until the test is confirmed. Any County employee found to have violated the County's policy on confidentiality shall be subject to disciplinary action.

### **Section 6. Rules and Procedures**

- A. **Pre-employment Testing:** All job finalists are required to undergo drug screening within twenty-four (24) hours from the time the conditional job offer is made. Applicants with a confirmed positive test or applicants who refuse to undergo drug screening will not be considered for employment:
1. Applicants will be sent at the County's expense to a designated collection site for testing and will take a signed substance abuse testing consent form to the facility
  2. Temporary and positions designated safety sensitive will be required to submit to drug screening.
  3. Drug testing will be performed on urine specimens using a secure chain of custody. The gas chromatography/mass spectrometry (GC/MS) procedures will be used to confirm all positive test results.

4. The authority performing substance abuse testing will verbally advise the designated authority in the Human Resource Department and follow up with written confirmation. Test results will be sent to the applicant if requested.
  5. Applicants who receive a confirmed positive test are barred from consideration for County employment until they can reasonably demonstrate that they have been successfully rehabilitated and are no longer engaging in illegal drug use.
  6. Employment decisions based on alcohol and drug screening test results are irrevocable, and appeals will not be considered
- B. Post Accident Testing:** Employees classified in safety sensitive positions in accidents involving vehicles or machinery shall be subject to post accident tests. Testing will be conducted immediately following the accident and will consist of both a breathalyzer and drug test. If testing is not conducted within 8 hours of the accident only a drug test is required. Documentation must follow as to why time for testing exceeded eight hours.
- C. Current Employee Testing:** No County employee shall be required to undergo substance abuse testing without reasonable suspicion. Supervisory personnel must establish the basis for a reasonable suspicion in accordance with the guidelines of this policy prior to the initiation of any substance abuse testing process. All supervisory personnel will be provided training on the signs and symptoms of substance abuse along with required procedures and documentation. All referrals, documentation and supervisory actions relative to this policy shall be kept in strictest confidence:
1. Reasonable suspicion must be based on an employee's behavior on the job. Supervisory personnel must separate the employee from performing an activity, operating equipment, or any other situation which may pose an immediate hazard.
  2. If the situation warrants, discuss the matter with the employee. If there is a medical condition that may be causing the impairment the employee should immediately visit his/her personal physician to correct the cause(s) of impairment. The employee must present a written statement from the physician outlining the causation prior to resuming work duties.
  3. If a drug test is warranted the employee will be informed that as a condition of employment he/she must submit to a drug test. The employee will be taken to a collection site for a substance abuse test and will be placed on administrative leave with pay until results are received.
  4. An employee who refuses to submit to, fails to arrive at the test site, or fails to follow through with a drug or alcohol test when testing is required by this policy will be considered to have refused the test and will be terminated.
  5. If a non-positive test result occurs, the employee shall be notified immediately. All records surrounding the incident shall be removed from the employee's personnel file and destroyed.

D. **Positive Drug Test:** In the event the employee's test results are positive, the following steps should be taken:

1. The authority performing substance abuse testing will verbally advise the designated authority in the Human Resource Department, who will advise the department head and County Manger.
2. The department head will arrange a predetermination meeting with the employee. Based upon the employee's work history and the facts gathered during the predetermination meeting, the department head after review and approval by the County Manager will advise the employee both verbally and in writing of the administrative action to be taken.
3. An employee with a confirmed positive test result will be considered for disciplinary action, which may include termination from County employment. An employee with a confirmed positive result may be required as a condition of further employment to undergo satisfactory participation in a substance abuse assistance or rehabilitation program approved for such purposes by the County or other appropriate agency at his/her expense. Other conditions deemed appropriate such as voluntary random testing may be applied as directed by the County Manager. Information concerning available counseling, rehabilitation, and re-entry programs shall be provided to employee upon request.

E. **Prescription Drugs:** The proper use by an employee of a drug or medication authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the employee taking the drug is the person for whom it has been prescribed, and when the drug is taken in accordance with the prescribed dosage. In the event an employee taking prescription drugs tests positive, he/she will be asked to validate the prescription and the dosage to the designated authority.

F. **Return to Duty Testing/Follow-up Testing:** An employee who has resigned or separated from the County for a period exceeding 60 days must be retested under the pre-employment provisions. An employee found to be in violation of this policy whose employment is continued must, prior to returning to work, agree to submit and pass a drug and/or alcohol test and submit to random testing for a prescribed period.

An employee shall inform his/her supervisor if prior to beginning work or while on duty he/she intends to use a prescription drug, over the counter drug, or other substance that might impair the ability to satisfactory perform job duties.

## **Section 7. Appeal Process**

Employees wishing to appeal a personnel action shall follow the Appeal Procedure as referenced in Article X. Employees governed under the State Personnel Act, Board of Elections, Sheriff and Register of Deeds shall follow the appeal procedure designated for such class.

## **Section 8. Additional Standards for the Sheriff's Department**

- A. All applicants for employment as law enforcement officers shall be subject to additional drug testing policies and procedures of the North Carolina Department of Justice, Criminal Justice Standards Division. The Sheriff's Department will follow these procedures for blood alcohol testing.
- B. The Sheriff will report all positive drug test results of applicants for sworn positions and current officers/employees within the department to the North Carolina Department of Justice, Criminal Justice Standards Division.
- C. All sworn law enforcement personnel who test positive will be denied continued employment in a position requiring sworn status.

## **Section 9. Additional Standards for USDOT Regulations**

- A. The Federal Highway Administration (FHWA) requires all drivers of commercial vehicles requiring a CDL license to fall under USDOT standards. Employees in positions classified as such will be tested on an unannounced basis throughout the year. Computer based random numbers generated and matched with the employees identification number will determine who will be tested.

*Amended 12/11/00*

#### **ARTICLE XIV. CONFLICT OF INTEREST POLICY**

It shall be the duty of all Wilson County employees to recognize and report to the County Manager any and all part-time employment opportunities or formal intent in any outside undertaking that may be considered a conflict of interest in their employment with Wilson County Government.

It shall be the policy of Wilson County that no manager, department head, supervisor or any employee may use his or her position, or the knowledge gained therein, in such a manner that a conflict between Wilson County's interests and his or her personal interests should arise. Both the fact and the appearance of the conflicting interests are to be avoided.

All requests for employment opportunities outside of employees' normal County jobs, or any financial interest or relationship an employee may have in any outside venture, should be approved in advance by the County Manager or the appointing authority.

Other incompatible activities include, but are not limited to, acceptance of a favor, pay, gift, payment or expenses, or any other thing of monetary value under circumstances in which acceptance may result in or create the appearance of conflicts of interest.

An employee is prohibited from having a direct or indirect formal interest that conflicts substantially with his or her Government duties and responsibilities or from joining in, directly or indirectly, a formal transaction as a result of, or primarily relying upon, information obtained through his or her Government employment.

Employees should refrain from transmitting any knowledge of County considerations or decision, or any other information, which might be prejudicial to the interest of the County, to any person other than in connection with the discharge of their official responsibilities.

Adherence to this policy, as herein above set out, is a condition of employment. Failure to comply may result in disciplinary action, up to and including termination of employment.

**EMPLOYEE CERTIFICATION OF RECEIPT AND RETURN  
of Wilson County Personnel Policy Resolution Handbook**

**ISSUANCE RECEIPT**

During your first three (3) to nine (9) months of employment with Wilson County you will be a probationary employee. This is expected to be a period of adjustment and learning. This period should also be considered an employment test. You are not guaranteed employment during the probationary period, nor are you guaranteed employment upon the completion of the probationary period.

The personnel policies contained in this document are not a contract of employment. Any individual may voluntarily leave employment and may have employment terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed, and should not be relied upon by any prospective or current employee of Wilson County. The contents of the policies contained herein are subject to change at any time at the discretion of the employer.

It is your responsibility to be familiar with the contents of this manual. Its contents will help guide you toward job behavior which reflects credit upon you as well as Wilson County.

I certify that I have received a copy of the Personnel Resolution of Wilson County. I further understand that this handbook must be returned upon termination of employment to the Human Resources Department and/or designee. ***Failure to return this copy of the Personnel Policy Resolution, will result in a fine of \$25.00, which will be deducted from my final payroll check.***

Department: \_\_\_\_\_ Issued By: \_\_\_\_\_

Name: \_\_\_\_\_ Social Security #: \_\_\_\_\_  
(Print or Type Name)

Signature: \_\_\_\_\_ Date Issued: \_\_\_\_\_  
(Signature)

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**RETURN RECEIPT**

This will verify that \_\_\_\_\_ returned his/her copy of the Personnel Policy Resolution on \_\_\_\_\_ (date).

Received By: \_\_\_\_\_ Department: \_\_\_\_\_  
(Signature)