

CHEROKEE COUNTY

PERSONNEL POLICIES AND PROCEDURES

**Adopted this 5th day of November, 1998, by
The Cherokee County Board of Commissioners**

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INTRODUCTION

The purpose of these policies and procedures is to provide elected officials, management, and employees of Cherokee County (hereinafter referred to as “The County”) with a concise document, which contains all of the policies and procedures governing county personnel.

The personnel policies and procedures are presented in two forms: this handbook and a larger three-ringed notebook maintained by department heads to which changes can be made. Since changes can be made to policies, the larger three-ringed manual represents the “official” personnel policies and should be used to conduct employee orientation and resolve disputed matters.

Although the policies and procedures contained in the manual and this handbook are the official personnel policies of the county, there may be other policies and procedures that are applicable to individual departments that supplement these policies. Supplemental policies, which have been approved by the County Commissioners, have the same force and validity as if they were incorporated herewith.

Since this handbook will not be reprinted with every change in policy, employees should consult an official policy manual on important matters.

Reference is made throughout this handbook to the personal pronouns “his”, “him”, and “he”. The use of these words is not intended to imply gender and consequently such reference means both male and female.

CHAPTER 1. ORGANIZATION OF THE PERSONNEL SYSTEM

Section 1. Purpose

The purpose of these policies and procedures is to establish a personnel system, which will recruit, select, develop and maintain an effective and responsible work force for the County. These policies are established under the authority of Chapter 153A, Article 5 and Chapter 126 of the North Carolina General Statutes.

Section 2. Coverage

This policy manual shall apply to all permanent, temporary, part-time, trained, and probationary employees of the County except as specifically exempted. The County Attorney, elected officials (including temporary appointments to such positions), any task force, advisory board, council, committee, or commission are exempted from these policies unless specifically stated.

Only the listed articles and sections cover the following employees:

1. Employees governed by the State Personnel Act shall be subject to all Chapters except Chapter 2 and Chapter 8, Sections 1 and 2.
2. The Supervisor of Elections shall be subject to all Chapters except Chapters 4, 8 and 9.
3. Employees of the County Sheriff's Department and the Register of Deeds shall be subject to all Chapters except Chapter 8.
4. Temporary employees, as designated by the Board of County Commissioners, shall be subject to all Chapters except Chapters 10 and 11.

Section 3. Definitions (listed alphabetically)

Adverse Action An involuntary demotion, involuntary reduction in pay, involuntary transfer, suspension without pay, layoff, or dismissal. (Note: in agencies covered by the State Personnel Act, involuntary transfer is not an adverse action if it is a lateral transfer.)

Anniversary Date The employee's original date of employment with the county service in a permanent position.

Appointing Authority Any county board or official with the legal authority to make hiring decisions.

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

Classification and Pay Plan An approved plan by the Board of Commissioners that assigns classes (positions) to the appropriate pay grade.

Competitive Service Employees An employee of the Department of Social Services; the Department of Public Health; or Office of Emergency Management receiving federal grant-in-aids funds and subject to the State Personnel Act.

Cost-of-Living Increase An annual adjustment that may be made by Board of County Commissioners to all pay ranges effective July 1 of each year.

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

Full-time Employee An employee, appointed to a permanently established position, who is regularly scheduled to work forty (40) hours or more per work week, and is designated as full time.

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

Grievance Any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the county.

Hiring Rate The salary paid an employee when hired into county service, normally the minimum of the salary range.

Immediate Family 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 that can be derived from those family members named herein.

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

Merit Increase An increase in salary above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position.

Part-time Employee An employee appointed to an established position, the duties of which are regularly scheduled less than forty (40) hours per week, who is paid on an hourly basis and is designated by the Board of Commissioners as a part-time employee.

Pay Plan A schedule of pay ranges arranged by sequential rates including minimum and maximum ranges for each class assigned to a salary range.

Performance Evaluation System A periodic review of an employee's performance, designed to facilitate year and equitable merit pay decisions, recognizing performance as the basis for pay increases within the established pay range.

Permanent Employee An employee who has completed nine (9) months of satisfactory county service, or twelve (12) months for law enforcement and emergency medical personnel, and has been approved for permanent status by his department head (with the approval, where applicable, of the County Manager).

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

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

Probationary Employee An individual appointed to a permanent position who has served less than nine (9) months in the position, or twelve (12) months for law enforcement and emergency medical personnel..

Promotion The reassignment of an employee to an existing position or classification in the county service having a higher salary range than the position or classification from which the reassignment is made.

Reclassification The reassignment of an existing position from one class to another based on changes in job content.

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

Salary Plan A listing by grade of all the approved maximum and minimum salary ranges authorized by the Board of County Commissioners for various position classifications of county government for hiring purposes and used in determining salary increases.

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

Salary Range The minimum and maximum salary levels for a given classification for hiring purposes and used in determining salary increases.

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

Temporary Employee An individual appointed to serve in a temporary position as defined below. Positions covered by the State Personnel Act can be classified as temporary for no longer than one year.

Temporary Position A position for which the duties and responsibilities are required to be met for a specific short period of time, and which may or may not require attendance by a person for a full work day and/or work week.

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

Section 4. 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, non-disqualifying disability, or age.

Section 5. Responsibility of the Board of County Commissioners

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

The following appointments are required by law to be made by the County Commissioners:

County Manager	G. S. 153A-81
Clerk to the Board	G. S. 153A-111
County Attorney	G. S. 153A-114
Tax Assessor	G. S. 105-294
Tax Collector	G. S. 105-349

Due to the nature of county government, the Board of County Commissioners does not have appointing authority over certain positions or employees in certain departments. Those positions and departments are as follows:

Sheriff and Register of Deeds

Pursuant to G. S. 153A-103, and subject to the right of the county to limit the number of employees in the department, the Sheriff and Register of Deeds have the right to hire, discharge and supervises the employees in their respective offices. However, for the Sheriff and Register of Deeds, the County Commissioners must approve the hiring of relatives of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

The Sheriff or Register of Deeds will prepare an employment statement verifying that a records check has been completed on prospective employees and certify that the person is not of closer than 1st cousin relationship and has not been convicted of a crime involving

moral turpitude. This form shall be submitted to the County Manager prior to employment.

County Health Director

The County Health Director is appointed by the Cherokee County Board of Health (G. S. 103A-440). The Health Director has the authority to appoint, discipline, supervise and dismiss all employees of the health department.

County Social Services Director

The County Social Services Director is appointed by the Cherokee County Board of Social Services (G. S. 108-17). The Social Services Director has the authority to appoint, discipline, supervise, and dismiss all employees of the Social Services Department.

County Elections Supervisor

The County Elections Supervisor is appointed by the Cherokee County Board of Elections. (G. S. 163-35) The elections board is empowered to appoint and remove a supervisor of elections and all registrars, judges, assistants, and other officers of elections. (G. S. 163-35)

Section 6. Responsibility of the County Manager

The County Manager shall appoint, suspend, or remove, with the approval of the Board of County Commissioners, all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided for by law or by the Board of County Commissioners. The County Manager shall make appointments, dismissals, and suspensions in accordance with G. S. 153A-82.

CHAPTER 2. CLASSIFICATION AND PAY PLAN

Section 1. Policy Statement

Each permanent and trainee position with the county shall be classified into a standard class within the county's Classification and Pay Plan. Positions will be grouped into classes in such a way that the positions included in each class are sufficiently similar in duties and responsibilities to warrant similar treatment in personnel and pay administration.

Section 2. Adoption of Classification and Pay Plan

The Classification and Pay Plan is adopted by the Board of County Commissioners. The Board of County Commissioners has authority to approve classification of all classes except competitive service classes which are subject to state classifications. Responsibilities for determining classification in those departments rests with the State of North Carolina.

Section 3. Allocation of Classes to Salary Grades

The County Manager shall be responsible for making recommendations to the Board of County Commissioners regarding allocation of positions to the appropriate classes on the plan.

Section 4. Use of Class Titles

Official class titles are to be used in all personnel, payroll, accounting, budget, appropriation, and financial records and transactions. Working or organizational titles may be used in all matters other than those involving official records as long as they do not interfere with class titles.

Section 5. Administration of the Classification and Pay Plan

The County Manager shall be responsible for the administration of the Classification and Pay Plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. New positions shall be established only with the approval of the Board of County Commissioners after which the County Manager shall either (1) allocate the new position to the appropriate class within the existing Classification And Pay Plan, or (2) recommend that the Board of County Commissioners amend the Classification and Pay Plan to establish a new class to which the new position may be allocated.

Department heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions; and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing positions. Department heads shall present to the County Manager written justification for why there should be a change in the position classification. In the case of

a new position or a vacant position where duties have changed or will change, the justification should include the proposed changes in duties and responsibilities. In the case of an occupied position, the request shall reflect changes in assigned duties and responsibilities. The department head's written justification should be detailed and specific enough for the County Manager to make a determination regarding further study.

If the County Manager finds that a substantial change occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall recommend to the Board of County Commissioners: (1) that the existing class specification be revised; (2) reallocate the position to the appropriate class within the existing Classification Plan; (3) amend the Classification and Pay Plan to establish a new class to which the position may be allocated. The County Manager shall be responsible for determining the grade level to which all new classes are assigned, before approval by the Board of County Commissioners.

Exception The County Manager will not recommend changes in classification for competitive service positions in the Health and Social Services and Emergency Management departments.

CHAPTER 3. THE SALARY PLAN

Section 1. Adoption

The salary plan, as approved by the Board of Commissioners, is adopted effective July 1st each year for Cherokee County. (See Salary Plan, Appendix A)

Section 2. Policy

The pay of county employees shall be administered in a fair and systematic manner in accordance with work performed. The county shall have a pay structure that is externally competitive, that maintains proper internal relationships among all positions based on the relative level of duties and responsibility, and that recognizes performance levels as the basis for pay increases within the established pay ranges.

The schedule of salary ranges and class titles assigned to salary ranges has been approved by the Board of Commissioners.

Section 3. Maintenance of the Salary Plan

The County Manager shall be responsible for the administration and maintenance of the Salary Plan. The salary plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in other local governments in Western North Carolina, changes in the cost of living, the financial conditions of the county, and other factors. The County Manager shall, from time to time, make comparative studies of all factors effecting the level of salary ranges and shall recommend to the Board of County Commissioners such changes in salary ranges as appear to be warranted.

Section 4. Administration of the Salary Plan

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

Section 5. Hiring Rate/Starting Salary

Employees will generally be hired at the Minimum Rate of their assigned salary grade. Appointments above the Minimum Rate may be recommended by the County Manager to the Board of Commissioners when deemed necessary to the best interests of the county, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the minimum rate, or the refusal of qualified applicants to accept employment at the minimum rate. Employees who are hired in part-time call-in positions

or temporary positions will begin at no less than 10% below the minimum rate, but when placed in a budgeted part-time or full-time position will be moved to the minimum rate.

Section 6. Payment at a Listed Rate

1. Employees covered by the salary plan shall be paid within the salary ranges established for their respective job classes except for employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new salary plan.
2. 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, (2) the employee is promoted to another position with a higher salary range, or (3) the salary for the present position is increased.

Section 7. Trainee Salaries

An applicant hired, or employee promoted to a position in a higher class, who does not meet all the established requirements of the position, shall be appointed with the approval of the County Manager at five percent (5%) below the minimum rate of that position. Employees subject to the State Personnel Act will be designated “trainees” in accordance with rules and regulations established by the Office of State Personnel. All other county employees shall be designated “trainees” based upon recommendations of the department head with the approval of the County Manager. An employee in a trainee status shall continue to receive a reduced salary until the appointing department head and the County Manager determine that the trainee is qualified to assume the full responsibilities of the position.

Section 8. Pay Rates for 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:

1. When a promotion occurs, the employee’s salary shall be increased, if it is below the new minimum, to the minimum rate of the salary range assigned to the class to which he is promoted. If budgetary constraints allow, the increase given will be equivalent to a percentage amount equal to the percentage difference between the range from which he is moving and the range to which he is being promoted. If an employee’s current salary is already above the new minimum salary rate, his salary may be adjusted upward or left unchanged upon recommendation of the County Manager, with final approval by the Board of Commissioners, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
2. If an employee is demoted as a result of a reclassification, and the employee’s current salary falls above the maximum of the range for the lower class, the employee’s salary will remain the same until general schedule adjustments or

range revisions bring it back within the lower range. If an employee is demoted for cause, the employee's salary will be reduced to the lower salary range.

3. When a transfer occurs from a position in one class to a position in another class, assigned to the same pay range, the employee shall continue to receive the same salary. When an employee requests a permanent transfer to another position not previously held, and the change is not a promotion or demotion, the employee shall normally receive the minimum rate in the pay range established for that position unless previous experience warrants a higher starting rate.
4. 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 the minimum step of the new salary range. If the employee's current salary is already above the minimum salary rate, his salary may be adjusted upward or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Section 9. Pay Rates in Salary Range Revisions

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

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

Section 10. Cost-of-Living Increases

Cost of living increases will be recommended by the County Manager and approved by the Board of Commissioners. Cost of living increases will apply to all ranges of the Salary Plan and will never apply to select individuals, salary ranges, or classifications. If a regular employee's salary is below the minimum for his position after the cost of living increase becomes effective, his salary will be increased to the new minimum effective with the pay period immediately following the cost of living increase.

Section 11. Pay For Part-time Work

The Salary Plan established by the County Manager and approved by the Board of Commissioners is intended to be for full-time service. An employee appointed for less

than full-time service will be paid a pro-rated amount determined by converting the established salary for the position to an hourly rate. See Chapter 3, Section 2 for part-time call-in employees.

All employees who work less than forty (40) hours a week will be covered by Workmen's Compensation and Social Security. Other benefits are available as provided in Chapter 11.

Section 12. Preparation of Payroll

All payrolls shall be prepared in the Finance Department from time cards approved by the appropriate department heads. Direct deposit notices shall be distributed every two (2) weeks. Direct deposit notices shall be distributed by the department heads or other appropriate administrative personnel approved by the County Manager. All payroll payments shall be in the form of direct deposit effective March 2006.

Section 13. Payroll Deductions

The county Finance Officer is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, and employee group insurance premiums. With the authorization of the employee, the Finance Officer may also make payroll deductions for credit union payments, and other deductions for qualified programs. Individual deductions requested by the employee for other than qualified programs shall be made only with the approval of the County Manager.

Section 14. Termination Pay

Upon termination of employment, an employee is entitled to payment for unused annual leave up to a maximum of 240 hours (252 for EMS and 911 telecommunicators), less any deductions for debts outstanding with the County. No sick leave shall be paid upon termination of employment. The Finance Officer shall deduct from the final paycheck any amount owed the County for group insurance premiums or approved advance leave. The final payment for unused vacation leave will be combined with the final paycheck. Vacation Leave will be paid in full upon termination. Each department will turn in termination notices within 2 working days.

No severance pay will be allowed.

CHAPTER 4 RECRUITMENT AND SELECTION

Section 1. Equal Employment Opportunity and Americans With Disability Statement

It is the policy of the county to foster, maintain, and promote equal employment opportunity. The county does not discriminate on the basis of race, color, national origin, religion, age or disability or political affiliation in employment or the provision of services.

Appointing authorities, and other personnel responsible for recruitment and employment, shall continue to regularly review the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed. Notices with regard to equal employment matters shall be posted in conspicuous places where notices are customarily posted.

Section 2. Priority to Current Employees, Employees Separated Because of Reduction in Force, and Veterans for Filling Vacant Positions

It is the county's policy to create career opportunities for its employees wherever possible and when it is in the best interest of the county. Therefore, present county employees will be given priority consideration in filling a vacancy, provided they would appear to be the best qualified for the position if it were advertised to the general public. Appointment of a current county employee to a vacant position may be done without officially advertising the vacancy outside of county government if the procedures for recruitment in Section 3 are followed. However, if other applicants possess comparable qualifications and, if the automatic promotion or transfer of a current employee would continue any historical discriminatory employment practices, the county must consider other applicants.

Veterans of the armed services and employees separated because of reduction in force policies shall also be given priority consideration provided they are qualified for the position.

Section 3. Recruitment

Recruitment for vacant positions shall be conducted in a fair and equitable manner. Current employees are given priority consideration for vacant positions; however, good management practices dictate obtaining the best possible pool of applicants. The County Manager will keep a file of current applications.

When job vacancies occur, the hiring authority may select candidates from any of the categories listed below:

- Current employees
- Employees separated because of reduction in work force
- Outside applicants

1. Current employees may be selected from the department where the vacancy exists. Notice of the vacancy shall be posted in conspicuous places or employees notified so that all employees in the department will have an equal opportunity to apply for the vacancy.
2. If the hiring authority determines no applicants in the above category are qualified, or it is desirable to expand the scope of recruitment, then current employees may be selected from any department in county government. Notice of the vacancy shall be adequately posted and distributed so that all employees in county government shall have an equal opportunity to apply for the vacancy.
3. If the hiring authority does not find satisfactory candidates in the above two categories, or if it is desirable to expand the scope of recruitment, he may recruit from the general public. If the vacancy is advertised to the general public, the Board of Commissioners shall be responsible for adequately publicizing such vacancy and listing the vacancy with the North Carolina Employment Security Commission. Notice of the vacancy shall also be prominently posted in areas where notices are customarily posted in order to notify current employees of the vacancy.

Job advertisements shall contain assurance of equal employment opportunity, compliance with the Americans with Disability Act and provide basic information about the position being advertised. The information shall include salary range, employment qualifications, and a brief description of the duties of the position. All County job vacancies shall be filed with the North Carolina Employment Security Commission (ESC) for a period of not less than seven (7) working days. The ESC may also screen applicants if desired by the hiring authority. All recruitment sources shall be advised of the county's equal employment opportunity policy. The county shall include among its recruitment sources, organizations and news media which are utilized by and are available to women, minorities, handicapped and older persons. Recruitment shall be from a geographic area as wide as is necessary to insure that well qualified applicants are obtained.

The hiring authority may recruit for the vacancy at any of the three (3) levels, which will insure the best qualified applicant(s).

If an opening occurs in a position that has been advertised in the last six months and there is a need to fill the position rapidly, applications may be pulled from the applicant pool from the prior advertisement without completing the above recruitment procedure.

Section 4. Application for Employment

All persons applying for employment with the county, including current employees shall be required to complete an employment application. The North Carolina State Application (PD 107) shall be the standard application accepted for any and all position listings.

All information provided on the application must be true and correct. Providing false information may be grounds for elimination from consideration for a vacant position

and/or dismissal from county employment. Additional punishment may be received as provided in G.S. 14-3 (G.S. 14-122.1)

Section 5. Testing

Applicants for certain positions may be required to take various tests, which measure ability, aptitude or skill. All tests given to applicants shall be administered and evaluated by qualified individuals. All tests administered will conform to all applicable legal regulations.

Section 6. Appointment

It is the policy of the county to employ according to merit and suitability for the position. The county shall use all available means to attract qualified candidates for employment (see Section 3), and make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualities required for positions in the service of the county.

After an investigation of the qualifications and experience of the applicants, the department head and County Manager shall recommend the most qualified candidate to the Board of County Commissioners for appointment. The department head or County Manager shall document reasons why the successful applicant was selected over other candidates, the classification of the position to be filled, and the salary to be paid. The County Manager may fill appointments of part-time temporary employees. These appointments shall be reported to the Board of Commissioners at the next regular meeting.

Section 7. Identification

Those persons applying for positions, which operate a motor vehicle must present a valid North Carolina driver's license at the time of employment. The department head will, prior to employment, conduct a review of the driving record of the person to be hired and have a criminal record check performed by the Sheriff's Department, which record will become a part of the personnel file.

Section 8. Residency Requirement

Cherokee County gives preference to Cherokee County residents. However, if prospective employees live outside of Cherokee County, and their place of residence would not be detrimental to the performance of duty, they will be considered on their merit. Residence within the county will not be required.

Section 8-A. Post-Offer/Pre-Employment Drug Testing

See Appendix B, Section VI, Item A.

Section 9. Appointments, Sheriff and Register of Deeds

1. The Sheriff and Register of Deeds shall have authority over appointments in their respective departments, with the County Manager determining the class and salary of new employees.

2. Appointments by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude can be made only with the approval of the Board of Commissioners. The Sheriff or Register of Deeds will prepare an employment statement verifying that a records check has been completed on prospective employee and certify that the person is not of closer relationship than 1st cousin and has not been convicted of a crime involving moral turpitude. This form shall be submitted to the County Manager prior to employment.

CHAPTER 5. EMPLOYMENT STANDARDS

Section 1. Probationary Period of Employment

An employee appointed to a permanent position shall serve a probationary period of nine (9) months; twelve (12) months for law enforcement officers and emergency management personnel, unless otherwise stipulated by approved departmental policies.

An employee serving a probationary period may be dismissed at any time it is determined the employee is not satisfactorily performing the assigned duties and performance is not likely to improve.

The Commissioners shall have the option of requiring an additional probationary period for employees who have been promoted or transferred to another position. (Exception: Employees in the Social Services or Health departments can not serve an additional probationary period after promotion if the employee is promoted from a permanent position).

An employee serving a probationary period shall receive all benefits provided in accordance with these policies, except employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the first three months of probationary period.

Employees serving a probationary period following initial appointment will not be allowed to take military leave. Such required leave must be taken without pay. (See Chapter 10)

Before completion of the probationary period, the employee's immediate supervisor shall indicate in writing the following:

1. That the employee's progress (accomplishments, strengths, and weaknesses) has been discussed with the new employee;
2. Whether the new employee is performing satisfactory work;
3. Whether the new employee should be retained in the present position or should be released, transferred, or demoted, except for employees subject to the Personnel Manual for Local Government Employees subject to the State Personnel Act.

Section 2. Demotion

1. An employee whose work is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position . Such a demotion shall be made in accordance with the procedures in Chapter 8. The employee shall be provided with written notice citing the recommended effective date of the demotion, reasons for the demotion, and

appeal rights available to the employee as stated in Chapter 8 of this ordinance.

2. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the procedures in Chapter 8 of this ordinance.

Section 3. Transfer

1. If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be forwarded to the proper authority during the recruitment period for the position. The request for transfer shall be subject to approval of the County Manager and the Board of Commissioners. Any employee transferred without his or her having requested it may appeal the action in accordance with the grievance procedure in Chapter 9.
2. An employee who is transferred may be required to serve an additional probationary period. (See Chapter V, Section 1)

CHAPTER 6. CONDITIONS OF EMPLOYMENT

Section 1. Work Week

The standard work week for all employees of the various departments of the county shall be forty (40) hours per week. The normal daily work schedule is eight (8) hours plus a lunch period. When the activities of a particular department require another schedule, Department Directors may authorize a deviation from the normal schedule. Because of the nature of various county activities, some positions require a work week of more than five (5) days such as law enforcement and emergency medical service personnel. Department heads shall work those hours necessary to ensure the satisfactory performance of their departments, but not less than forty (40) hours per week.

Offices are to remain open during lunch hours unless permission is obtained from the County Manager. Departments should organize staff accordingly.

Section 2. Gifts and Favors

An employee shall not accept any gift or gratuity, whether in the form of service, loan, thing of value, or promise from any person, business concern, or organization who is interested directly or indirectly in business dealings with the county. These limitations are not intended to prohibit the acceptance of articles of nominal value which are distributed generally, nor to prohibit employees from obtaining personal loans from regular lending institutions.

An employee shall not grant in the discharge of his official duties, any improper favor, service, or thing of value.

Section 3. Personal Telephone Calls

County phones, including cell phones, are to be used for county business and may be used for personal business on a very limited basis. Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work. Under no circumstances are employees allowed to conduct any business pertaining to other employment on County phones. Personal long distance calls should never be made without Department Head approval unless they are charged to your home phone or a calling card. It is the employee's responsibility to ensure that no cost to the County results from personal telephone calls. Violation of this policy will result in reimbursement to the County and possible disciplinary action.

Section 4. Use of County Property

Use of property owned or leased by the county is intended for official county business only. Property including supplies, tools, materials, and equipment are not for personal use and should not be removed from county premises except in the conduct of official county business.

Section 5. Limitation on Employment of Relatives

1. No two members of an immediate family shall be employed within the same department without approval of the Board of County Commissioners. Under no circumstances will an employee be supervised by one of their immediate family members.
2. The term “immediate family” means 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 that can be derived from those family members named herein.
3. The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with section 2, above, prior to the adoption of this policy.

Section 6. Political Activity Restricted

1. Every employee of Cherokee 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, and may advocate and support the principles and policies of civic or political organizations in accordance with the constitution and laws of the United States of America. However, while on duty with the County whether during business hours or not, no employee of Cherokee County shall:
 - a. Engage in any political or partisan activity;
 - b. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - c. Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes
 - d. Coerce or compel contributions for political or partisan purposes by another employee of the county; or
 - e. Use funds, supplies, or equipment of the county for political or partisan purposes.
2. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

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

Section 7. Outside Employment

The work of the county takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's department head before such work is to begin and documentation placed in the employee's personnel file. The department head and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with county service. The assumption of outside employment without prior approval by the county may be deemed improper conduct, and subject the employee to disciplinary action, up to and including dismissal.

Section 8. Dress Code and Grooming Code

The image of the county is directly related to the employees of the county and the way in which they conduct and present themselves.

All employees are expected to dress at all times in an acceptable and professional manner, which is consistent with good business practice and weather conditions. The department head is responsible for determining what is acceptable attire for the department.

Section 9. Employee Ethics

County employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, on and off the job, which will reflect favorably upon the county. Additionally:

1. Employees shall refrain from any use of their position, which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of the extracting of private advantage from their employment with the county.
2. Employees shall exercise discretion in their care of personal financial activities to avoid any legal liabilities that would reflect unfavorably upon the county.
3. Employees shall not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.
4. An employee shall avoid any action, which might result in giving preferential treatment to any organization or person; losing his independence or impartiality of

action; or affecting adversely the confidence of the public in the integrity of the county.

5. An employee who witnesses another employee engaging in an unlawful act on the job shall report that employee to the County Manager.

Employees in certain departments may be subject to additional employee ethics.

Section 10. Breaks

Breaks are not required by law and consequently should be considered as a privilege and limited to the time indicated by the department head. Breaks should not interfere with the employee's work and should not be taken unless work circumstances warrant. Office personnel and other employees responsible for answering the telephone and serving walk-in visitors shall arrange to have their duties handled by another employee while they are on break.

Breaks shall be confined to county property unless otherwise allowed by the Department Head. Under no circumstances may break time be carried over into another time period, saved for another day, combined with other types of leave or added together to make one long break. Break time will not exceed fifteen (15) minutes each for the morning and afternoon.

Section 11. Harassment/Sexual Harassment

Harassment is defined as unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

It is the policy of the County that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in the connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. It is County policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working

environment. It is the right of all employees to seek, at any time, redress by the State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law; however, employees are encouraged to exhaust the County's Administrative remedies before consulting outside agencies.

Procedure in case of report of harassment: (1) In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately document and notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the procedure. (2) An employee subjected to any form of harassment should report such activity in writing to his/her non-involved supervisor, department head, or directly to the County Manager. (3) A supervisor is required to report harassment cases in writing to his/her department head, who, in turn, is required to report the matter in writing to the County Manager. Such reports to superiors and to the County Manager are to be made in writing regardless of how knowledge of the case was acquired. (4) The County Manager shall investigate and submit to the Board of Commissioners a written report setting forth the facts of the case and a recommendation for action. (5) The results of the investigation and the nature of the disciplinary action will be communicated in writing by the County Manager's Office to both the complainant and the offender as well as the affected department head. Either party may appeal the decision in writing through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

Any employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

Section 12. Smoking Policy

Smoking in County buildings is prohibited

If more than one person occupies county vehicles, an employee is prohibited from smoking while in the vehicle unless all parties in the vehicle agree that smoking would be acceptable.

This policy shall not be in conflict with other policies that may be adopted by policy-making boards regarding smoking in public places.

Section 13. Alcohol and Drug-Free Workplace Policy

All employees shall be given a copy of the Cherokee County Alcohol & Drug-Free Work Place Policy. All employees shall be asked to sign a statement acknowledging receipt of the policy evidencing their willingness to comply with it. Compliance with the Alcohol & Drug Free Work Place Policy is a condition of employment. (See appendix B).

Section 13-A. Employee Assistance Program Policy

All employees shall be given a copy of the Cherokee County Employee Assistance Program Policy and Procedures. All employees will be asked to sign a statement acknowledging receipt of the policy and procedures evidencing their willingness to comply with it. (See Appendix C).

Section 14. Internet Use Policy

All employees shall be given a copy of the Cherokee County Internet Use Policy. All employees shall be asked to sign a statement acknowledging receipt of the policy evidencing their willingness to comply with it. Compliance with the Internet Use Policy is a condition of employment. (See Appendix D)

Section 15. Disclosure of Confidential Information

No county official or employee shall, without the approval of his superior, disclose confidential information concerning the property, government or affairs of the county, nor shall he, under any circumstances, use such information to advance the financial or other private interest of himself or others.

Section 16. On-Street Parking

The limited amount of parking space around county buildings is always a problem. County employees are not permitted to utilize street parking during normal business hours. Merchants need those spaces for customers as well as visitors to county buildings needing to transact business with the various offices and departments. Employees should use the county and town parking lots, carpool if possible, and keep personal autos out of the on-street parking spaces.

The Town of Murphy has a two-hour limit on on-street parking which they may enforce at will. The County Manager may issue oral and written warnings to chronic violators of this policy. A copy of the written warning will go in the employee's personnel file. Second warnings may result in disciplinary action by the Board of Commissioners.

Section 17. No Solicitation

Vendors are not allowed to market products, services, etc. on county property during office hours excepting those vendors representing a company dealing in products or services related to the business of Cherokee County. Approval for those excepted will be at the discretion and direction of the department head or County Manager to ensure minimal office disruption.

Section 18. Safety

To help ensure every employee's safety and the security of the work environment, the County has established a Safety Program, administered by the Safety Director. This

program provides a framework for providing a safe workplace and is incorporated by reference into this Personnel Policies and Procedures Manual.

Each employee is responsible for following good, safe work habits and for complying with safety and health regulations. Safety and health are to be placed first in importance in the performance of work duties. The protection of employees and the public on County property is a shared responsibility of every employee. Employees are responsible for notifying their immediate supervisors of violations or deficiencies in safe and healthful working conditions. This responsibility includes recommending corrective measures.

Employees shall immediately notify their immediate supervisors of every injury or accident, regardless of their scope or severity. Failure to follow required procedures, directives, policies, rules, supervisory orders, or safe work habits will result in disciplinary action up to and including termination as described in Chapter 8.

CHAPTER 7. HOURS OF WORK AND OVERTIME

Section 1. Overtime/Compensatory Policy

Overtime: Overtime is defined as all work performed in excess of the hours permitted under the FLSA workweek. Overtime shall be paid at a rate of one and one-half times the employee's straight hourly rate. The County abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Cherokee County who are nonexempt under the Fair Labor Standards Act. Overtime is computed as hours worked in excess of 40 hours per week. Vacation, sick, holiday, and compensatory time used do not count as hours worked for the purpose of determining overtime hours.

Compensatory Time: Compensatory time is defined as time off granted an employee in compensation for hours worked in addition to the employee's regularly scheduled work day or work week. It is the policy of the County, in agreement with its employees, that employees receive compensatory time off at a rate of one-and one-half (1 ½) hours for each hour of overtime worked.

1. This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period, excluding exempted positions. Under the provisions of the FLSA, compensatory time may be as agreed upon by the department head and the employee at the request of the employee, but may not be imposed by the employer in lieu of overtime pay upon any non-exempt employee who has not so requested such compensating time off.
2. The County's responsibility for payment of overtime and the granting of compensatory time is as follows:
 - a. The county is not obligated by statute to grant all employee requests for compensatory time off instead of overtime pay.
 - b. The county is required to compensate overtime at the rate of one and one-half hours worked in excess of the number of hours allowed per week as designated under the Fair Labor Standards Act.
 - c. Upon request of the employee, the county may grant compensatory time off in lieu of overtime at its discretion at the rate of one and one-half.
 - d. When an employee has accrued compensatory time, that time must be used before using vacation or sick leave. This will help prevent large accruals of compensatory time.
3. Department heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs.

4. Department heads will exercise extreme discretion in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime. Overtime shall be considered necessary only in emergency situations, wherein additional effort is needed to complete a task, which is critical in nature.
5. It is the responsibility of the individual employee to request compensatory time in lieu of overtime if so desired. Additionally, it is the responsibility of the employee to ensure that accrued compensatory time is used within the time limitation set forth by this policy.
6. All compensatory time should be kept to a minimum and supervisors shall make every effort to see that work is accomplished within the established forty (40) hour workweek. Compensatory time must be taken within one hundred eighty days (180) from the date earned and the maximum amount of compensatory time that may be accrued at any given time is two hundred forty (240) hours for regular employees and four hundred eighty (480) hours for law enforcement and detention officers. Department Directors may implement lower limits for their employees provided such leave limits are applied uniformly to all affected employees. Compensatory time should be reported on the employee's time card as such, so the Payroll Clerk can maintain records. .
7. Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such leave will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the county and shall be within one hundred eighty (180) days of accrual date.
8. All compensatory time will be paid in the form of time off. However, if it is to the benefit of the county, and with the approval of the department head and County Manager, an employee may be paid for compensatory time in lieu of granting time off.
9. In emergency situations, where employees are required to work long and continuous hours, the County Manager may approve compensation at time and one half (1 ½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.
10. Exempt employees should record all hours worked and will be allowed to accrue compensatory time at an hour for hour rate for all hours over 40 physically worked in a week. These compensatory hours may be used while still actively employed, but under no circumstances will any compensatory time balances be paid to an exempt employee upon termination.

The Payroll Clerk shall ensure that a permanent record of overtime/compensatory time accrued and used is kept on all employees based on information provided by department heads, and that the proper financial transactions are completed at the end of each pay

period. Upon termination of employment, the Payroll Clerk shall ensure that eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.

Section 2. Time Cards/Preparation of Payroll

Time cards are to be completed by all employees. The time sheet shall include: employee name; employee number; department; pay period; hours to be compensated broken down on a daily basis into hours worked; holiday time, sick leave, compensatory time, vacation, leave without pay, etc.; employee signature, and supervisor's signature.

The Finance Department will compute earnings as well as deductions. Changes in rate, position, and status shall be supported by a Personnel Action Form (Attached Exhibit B), approved by the Department Head/Supervisor and County Manager. The Personnel Action Form (PAF) shall be made a part of the personal history record of the employee. No salary change shall be implemented unless accompanied by an approved PAF.

Direct deposit notices will be distributed to the employee's department head unless other arrangements have been pre-approved. An employee's direct deposit notice may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee.

Payroll records will be maintained according to the approved State schedule for record retention.

Falsification of time records for payroll purposes is reason for discipline as per the Administrative Policy on Employee Conduct. (See Chapter 8, Section 9)

Employees may direct inquiries concerning payroll matters to the Payroll Clerk in the Finance Office.

Section 3. Training Time

Required attendance at training sessions, workshops, and other meetings, whether before, during or after the employee's regular work schedule, is work time.

Voluntary attendance at training sessions, workshops, and other meetings is not work time. Attendance is voluntary only if the employee is not led to believe that his working conditions or continued employment would be adversely affected by non-attendance.

Section 4. Travel Time

Travel time is subject to the Fair Labor Standards Act and will be considered work time. This does not include time spent traveling to and from the employee's home and his local office. Travel time includes time spent traveling to training sessions, workshops, meetings, seminars, etc. and any travel time which is part of an employee's daily responsibilities such as Building Inspectors and Sanitarians.

CHAPTER 8. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

Section 1. Types of Separation

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

Section 2. Resignation

An employee who desires to terminate his employment with the county must give written notice to his immediate supervisor or department head two (2) weeks prior to his last intended day of employment. An employee who does not provide the required notification shall have recorded on his service record that he resigned without giving proper notice. An employee who is absent from work three (3) consecutive days without reporting to his supervisor the reason for his absence, shall be considered to have terminated his employment without notice, and notation to this effect shall be recorded on the employee's service record.

Section 3. Reduction in Force

The Board of Commissioners has the authority to call for a reduction in force, with the exception of the Dept. of Social Services and Health Dept., whose Dept. heads make decisions on these issues according to the personnel manual for Local Government Employees subject to the State Personnel Act. In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance as documented by current performance appraisal, if available, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two (2) weeks notice of anticipated lay-off. No permanent employee shall be separated while there are temporary or probationary employees serving in the same class unless the permanent employee is not willing to transfer to the position held by the temporary or probationary employee. Under the provisions of reduction in force, the Board of Commissioners has the option to make changes in work time and/or work load to accomplish the reduction. Employees who are laid off because of reduction in force may be allowed to continue the health insurance program under COBRA regulations (See Appendix 11, Section 2)

Section 4. Retirement

County employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System. Any employee who is planning to retire must submit a written request to the County Manager's office at least one (1) month, but preferably ninety (90) days, prior to the planned effective retirement date. Those employees retiring from county service shall be paid for all annual leave not used at the

time of retirement. Employees may apply all unused sick leave to retirement credit, in accordance with N. C. G. S.

Section 5. Death

All compensation due to an employee who dies while employed by the county will be paid to the estate of the deceased employee. The date of death will be used as the date of termination of employment for the purpose of calculating compensation.

Section 6. Disciplinary Actions

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. Depending upon the circumstances, one or more of the following kinds of disciplinary actions may be taken; official written reprimand, disciplinary day off (without pay), suspension, demotion, or dismissal. The County Manager shall have the authority to administer any of the aforementioned forms of discipline, except for positions covered by the State Personnel Act, which the Director may administer.

An employee whose work performance is unsatisfactory should receive three (3) warnings, all in writing, before disciplinary action resulting in dismissal is taken.

Because of substantial differences between failure in performance of duties and failure in personal conduct, the disciplinary actions for each may be carried out differently. In all cases, the employee shall receive a written summary of charges, and actions taken, a copy of which shall go into his personnel file.

Section 7. Disciplinary Actions for Failure in Performance of Duties

A employee whose work is unsatisfactory over a period of time shall be notified by the employee's immediate supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the immediate supervisor/department head.

The following causes relating to failure in the performance of duties are representative, and are not intended to be all inclusive, of those considered to be adequate grounds for demotion, suspension or dismissal:

1. Demonstrated inefficiency, negligence, or incompetence in performing one's duties;
2. Careless, negligent, or improper use of county property or equipment; (more serious cases may also be considered to be failure in personal conduct.)
3. Physical or mental incapacity to perform duties as determined by the Board of Commissioners in consultation with a physician

4. Discourteous treatment of the public or other employees;
5. Abuse of the county policies and regulations; (More serious cases may also be considered to be failure in personal conduct.)
6. Habitual pattern of failure to report for duty at the assigned time and place;
7. Failure to obtain or maintain a current license or certificate required as a condition for performing the job;
8. Absence without approved leave;
9. Habitual improper use of sick leave privileges;
10. Failure to follow established policies;
11. Habitual tardiness.

Section 8. Progressive Steps of Discipline

The progressive steps of discipline outlined below should normally be taken with an employee whose performance is unsatisfactory.

1. Initial Written Warning – The supervisor/department head, County Manager or Board of Commissioners shall prepare a written statement of the following:
 - a. Inform the employee how he has not met the performance requirements of the job and why his performance has been unsatisfactory;
 - b. State the specific actions the employee needs to take, and the time frame for taking such actions, to improve performance to a satisfactory level;
 - c. Inform the employee of the consequences of failing to make the required improvements.
 - d. The person preparing the written statement should record the date of the statement and other necessary information for any future use, and place a copy of the notes in the employee's personnel file.

The employee should sign the initial written warning with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor/department head, County Manager or Board of Commissioners should indicate on the warning that the employee refused to sign it and have it witnessed.

1. Subsequent Written Warning - The supervisor/department head or Board of Commissioners, shall prepare a written summary of the performance problem(s) as outlined below. The supervisor/department head, County Manager, or Board of

Commissioners, shall present the written warning to the employee and discuss its contents, which should include the following:

- a. Date(s) and points covered in previous warning(s);
- b. A description of specific performance problem(s);
- c. Specific actions the employee needs to take to improve performance to a satisfactory level;
- d. A general time frame allowed for improvement;
- e. A strong notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal.

The employee should sign the written warning with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor/department head, County Manager, or Board of Commissioners, should indicate on the warning that the employee refused to sign it and have it witnessed.

1. Final Written Warning - If previous warnings have not been effective, the employee should be given a final warning before being dismissed or demoted. Before issuing the final written warning, the Board of Commissioners should review the contents of the previous warnings and take the following steps:
 - a. Prepare a final written warning outlining the points covered in the previous warning.
 - b. Conduct a disciplinary conference with the employee and discuss the specific reasons for the action, the necessary improvements and the time allowed to make improvements.
 - c. Present the final written warning to the employee and indicate that failure to correct the unsatisfactory performance may result in dismissal.

If written warnings have not been successful in improving performance, the County Manager may authorize a "disciplinary day off", without pay, for the purpose of allowing the employee to contemplate impending disciplinary action. The day off may be authorized only in conjunction with the final warning. After the day off, or in the absence of the day off, dismissal, or other action such as demotion or suspension, may take place after the following has occurred:

- a. A written summary of the case shall be prepared by the supervisor/department head and submitted to the County Manager along with a decision for the action to be taken;

- b. A pre-dismissal conference shall be held between the County Manager, department head, and the employee for the purposes of presenting the employee with the specific reason(s) for the dismissal. The employee shall have the right to respond at the conference.
- c. The County Manager will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice shall include an indication of the employee's right to appeal. A copy of the action shall be placed in the employee's file.

Section 9. Disciplinary Actions for Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to service with the county in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. The County reserves the right to take disciplinary action, up to and including immediate dismissal, as warranted by the seriousness of any given situation and the circumstances.

The following causes relating to unacceptable personal conduct are representative, and are not intended to be all inclusive, of those considered to be adequate grounds for suspension or dismissal:

1. Reporting to work under the influence of intoxicants or nonprescription/illegal drugs, or using such substances while on County property. This includes prescription drugs if they impair the employee's ability to perform their designated duties.
2. Being absent from work without permission or failure to report to the supervisor/department head when one is absent.
3. Being habitually absent or tardy for any reason.
4. Failure to perform assigned works in an efficient or effective manner.
5. Being wasteful of material, property or working time.
6. Inability to get along with fellow employees so that the work being done is hindered and not up to required level.
7. Conduct on the job, which violates the common decency or morality of the community.
8. Conviction of a felony or gross misdemeanor.
9. Speaking critically or making derogatory or false accusations so as to discredit other employees or supervisors.

10. Removal of County money, merchandise, or property, including property in the custody of the County, without permission.
11. Lying to supervisor, department head in connection with your job.
12. Dishonesty, including giving false information, intentionally falsifying records or making false statements applying for employment.
13. Being on County premises during non-working hours without permission, unless engaged in county business.
14. Divulging or misusing confidential information, including removal from County premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
15. Accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the County.
16. Inability or unwillingness to perform the assigned job.
17. Falsification of time records for payroll.
18. Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.
19. The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a County employee.
20. Discrimination against or harassment of co-workers.
21. Deliberate damage to County property.
22. Fighting or threatening to fight another employee - aggressor only.
23. Misuse of County funds or embezzlement.
24. Participation in any action that would in any way seriously disrupt or disturb the normal operation of a county department or any segment of county government.
25. Placing phone calls to county employees (at work or at home) for the purpose of harassing or forcing dialogue or discussion from the employee or occupants against their will.
26. Trespassing on the home of any county employee for the purpose of harassing or forcing dialogue or discussion from the employee or occupants against their will.
27. Willful damage or destruction of property.

28. Possession of unauthorized firearms or lethal weapons on the job.
29. Using profane language to threaten-embarrass fellow employees.
30. Brutality in the performance of duties.
31. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
32. Acceptance of gifts in exchange for “favors” or “influence”.
33. Engaging in incompatible employment or serving a conflicting interest.
34. Violation of political activity restrictions.
35. Conviction of or entry of a plea of “no contest”, a misdemeanor that would adversely affect performance of duties, or any felony.

Section 10. Disciplinary Suspension

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

1. An employee may be suspended without written notice by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When the department head suspends an employee he shall tell the employee to leave County property at once and remain away until further notice. The supervisor/department head shall notify the County Manager immediately. A disciplinary suspension is without pay.
2. A written summary giving the circumstances and facts leading to the suspension and notice of appeals rights shall be prepared by the supervisor/department head; one copy shall be delivered to the employee and one copy shall be filed in the employee’s personnel file.

Section 11. Non-Disciplinary Suspension

During the investigation of an employee, the department head with the approval of the County Manager may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation must involve matters that may form the basis for disciplinary suspension, demotion, or dismissal in order for the non-disciplinary suspension to be allowed. Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Board of Commissioners,

if the suspension is terminated with full reinstatement of employee. A non-disciplinary suspension may not exceed forty-five (45) days without further action.

Section 12. Disciplinary Actions Toward Temporary Employees and Probationary Employees

Temporary and probationary employees serve at the pleasure of the county. If such an employee fails to perform satisfactorily, upon the recommendation of the departmental director and approval of the Board of Commissioners, he may be demoted or dismissed at any time without further notice and without the right of appeal or grievance, except when the employee alleges discrimination based on race, sex, religion, color or national origin. See Chapter 5.

Section 13. Right of Appeal

An employee may appeal disciplinary action taken against him through the County's grievance procedure as described in Chapter 9 of this manual. (Exception: Employees covered by the State Personnel Act may be separated from service for causes related to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. Employees must be given notice of dismissal including reasons).

Section 14. Reinstatement

An employee who is separated because of reduction in force is given priority consideration for filling job vacancies and may be reinstated with full benefits, if the length of the period of separation is less than the previous continuous period of employment, with the approval of the department head and the Board of Commissioners. An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with the policy. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

CHAPTER 9. GRIEVANCE PROCEDURE

Section 1. Purpose

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

Section 2. Coverage

This grievance procedure applies to all departments and all employees of the County, with the exception of employees subject to the State Personnel Act. For those employees, appeals of termination should be directed to the Office of Administrative Hearings. A grievance is defined as any matter of concern or dissatisfaction arising from the working conditions of an employee subject to the control of the county.

Section 3. Policy

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

Section 4. Grievance Procedure

1. **Step One.** An employee must file a grievance, in writing, with the immediate supervisor/Department Head, within thirty (30) days of the date the employee learns of the incident, giving rise to the grievance. If the grievance concerns an appeal of a dismissal, it shall be filed directly with the County Manager at Step Three. If the grievance is against the Dept. head, it may be filed with the County Manager or if that position is vacant, to the Chairman of the Board of Commissioners. The immediate supervisor/Department Head shall meet with the employee within five (5) days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) days following the meeting. The employee will sign a copy of the decision to acknowledge receipt and date of the response.
2. **Step Two.** If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the department head, within five (5) days of receipt of the immediate supervisor's decision. The grievance shall state concisely the basis for the complaint. The department head shall meet with the employee within five (5) days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within ten (10) days of the meeting with the employee, the department head shall issue a written decision. The employee will sign a copy of the decision to acknowledge receipt, and date the response.

3. Step Three. If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the County Manager within five (5) days of receipt of the Step Two decision.

The County Manager will render a written decision within fifteen (15) days of receipt of the grievance. The employee will sign a copy of the decision to acknowledge receipt and date of the response.

4. Step Four. If the response from Step Three is not acceptable to the grievant, the employee may appeal that decision in writing to the Board of Commissioners within twenty (20) working days of the County Manager's decision. A hearing by the Board shall be held within fifteen (15) working days from the date of the request and the Board shall render a written decision within fifteen (15) working days of the hearing. The employee will sign a copy of the decision to acknowledge receipt and date of the response.

The Board of County Commissioners has final authority in rendering decisions for employees over which it has appointing authority. The Board of County Commissioners may order corrective action or restitution to the individual who has been wrongfully denied, or to direct other suitable corrective action that may include requirement of payment for any loss of salary that has resulted from improper personnel action. The decision of the Board is final and shall be enforced by the Board of Commissioners and the involved department head.

Section 5. Discrimination

Any county employee who has reason to believe that promotion, training, or transfer was denied him or that demotion, layoff, or termination of employment was forced upon him because of his/her age, sex, race, color, national origin, religion, creed, political affiliation, or physical disability (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 must appeal an alleged act of discrimination within fifteen (15) days of the alleged discriminatory action. No employee shall be subjected to any form of discrimination or coercion as a result of having exercised his right to file a grievance.

Section 6. Maintenance of Records

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

Section 7. Other Remedies Preserved

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

CHAPTER 10. ANNUAL LEAVE/SICK LEAVE/HOLIDAYS

Elected Officials – Elected Officials will not earn annual or sick leave. The County will bank any sick hours that the Elected Official wishes to transfer over from their previous employer, evidenced by supporting documentation, in order to track this information if they choose to transfer it to a new employer at the end of their term of office.

Section 1. Paid Holidays Observed

1. Cherokee County will follow the State's paid holiday schedule for each year. The following holidays, and such others as the Board of Commissioners may designate, shall be observed by county offices and shall be counted as hours worked:

New Year's Day	1 Day
Martin Luther King Jr.'s Birthday	1 Day
Good Friday	1 Day
Memorial Day	1 Day
Independence Day	1 Day
Labor Day	1 Day
Veteran's Day	1 Day
Thanksgiving	2 Days
Christmas	2 or 3 Days (Contingent upon the State's holiday schedule for each year)

2. Employees who wish to use leave for religious observances must request leave from their respective department heads. The departments head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the county.
3. Part-time employees receive holiday pay only when the day is actually worked. Part-time employees who work on a holiday receive regular pay for the hours worked, plus one half (1/2) of those hours as holiday, not to exceed eight (8) hours of holiday pay.

Section 2. Effect of Holidays or Other Types of Paid Leave

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

Section 3. When Work is Required on Holidays

Employees who work the standard number of hours per week and are required to work on a regularly scheduled holiday will be granted time off for the hours worked. This time must be taken with the approval of the department head, within thirty (30) days from the holiday.

Section 4. Annual Leave

1. Each full-time or probationary county employee working a forty (40) hour work week shall earn annual leave as follows:

<u>Years of Aggregate State Service</u>	<u>Hours Earned Each Month</u>	<u>Hours Earned In One Year</u>
Less than 2 years	6 hours 40 min	80
2 but less than 5	8 hours	96
5 but less than 10	10 hours	120
10 but less than 15	12 hours	144
15 but less than 20	14 hours	168
20 years or more	16 hours	192

For annual leave earned above the minimum, such shall be computed beginning with the first day of the pay period following the pay period of the employee's anniversary date. Full-time County employees whose workweek is more than forty (40) hours shall earn annual leave in direct proportion to their workweek.

Emergency Medical Services personnel and telecommunicators are scheduled an average of 42 hours per week. These schedules are 5% higher than regular county employees. In consideration of this work schedule, the Board of Commissioners agree that EMS personnel and Telecommunicators shall accumulate vacation and sick leave at 1.05 times the approved accrual rates for these leave types. The maximum accumulation of vacation hours for EMS personnel shall be 336 hours and for Telecommunicators 252 hours. Vacation and sick leave shall be charged on an hour for hour basis as with other County Employees.

2. Employees may accumulate a maximum of thirty (30) days of annual leave. Effective January 1st of each year, any county employee with accrued annual vacation leave in excess of 30 days or 240 hours shall have this leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes. And, like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement up to a maximum of 12 total sick leave days per year of service.
3. Annual leave may be taken as earned by the employee subject to the approval of the department head. Saturdays, Sundays, and holidays falling within the normal vacation period shall not be considered as part of vacation leave.
4. The Finance Officer is authorized to pay, as terminal pay, all unused annual leave time, but in no case shall this terminal pay be for more than thirty (30) days. Upon the death of a permanent employee, there shall be paid to his estate a sum equal to all unused annual leave, but not to exceed thirty (30) days.

5. After all annual leave is exhausted, upon written request of the employee, a period of leave without pay may be granted at the discretion of the department head, and with the approval of the County Manager, not to exceed ten (10) days for recreational purposes within a two (2) year period. Abuse see **Section 15. 2nd Paragraph.**
6. This Section shall be applicable to permanent, full-time and probationary employees only. The term “completed year” will be deemed to mean a period of twelve (12) months in which the employee is in active pay status or is receiving workmen’s compensation payments while on leave without pay. A “completed month” will be deemed to mean any month in which an employee works at least one-half of the workdays.

Annual vacation leave may be used for rest, relaxation, for medical and legal appointments when sick leave is exhausted, and for absences due to adverse weather conditions (unless otherwise specified-see inclement weather - this chapter, section 22).

Time taken off by employees using approved leave with pay, or receiving worker’s compensation benefits, shall be counted as time worked for the purpose of annual leave accumulation.

Section 5. Sick Leave - Policy

Sick leave with pay is a privilege granted by the county for the benefit of an employee when sick or injured or when attending to an immediate family member (spouse, parents, children, grandparents, grandchildren, including step, half, and in-law relationships) or a member of the employee’s household who is sick. Sick leave may also be used for medical appointments, dental appointments, eye doctor appointments, death in the immediate family (spouse, parents, children, brothers, sisters, grandparents, and grandchildren, including step, half, and in-law relationships), and when exposure to a contagious disease would jeopardize the health of others. **Sick leave is never to be used as a substitute for annual leave.**

Permanent, part-time employees earn sick leave in relation to the number of hours normally scheduled to work. In other words, if an employee normally is scheduled to work one-half time, then that employee would earn one-half day of sick leave per month. A part-time employee who is out of work on sick leave will not be paid more than the normal number hours scheduled to work.

Temporary employees are not entitled to earn sick leave. Temporary employees must take leave without pay for days missed due to sickness.

Section 6. Sick Leave - Accumulation

Each full-time and permanent trainee and probationary employee shall earn sick leave at the rate of one (1) day per month.

Time taken off by employees using approved leave, or time off under workmen's compensation, shall be counted as time worked for the purpose of sick leave accumulation. There is no maximum accumulation for sick leave. EMS employees and Telecommunicators will earn sick leave at 1.05 times the approved accrual rate. Sick leave will be charged on an hour for hour basis.

Section 7. Sick Leave - Advancement

Under extenuating circumstances, an employee may be advanced sick leave. Such advancement of leave will be made only with the approval of the County Manager upon recommendation of the department head with final approval of the Board of Commissioners.

Section 8. Sick Leave - Use and Reporting

Sick leave must be charged as used.

All employees shall be eligible to use sick leave as soon as it is earned.

Employees are required to notify their supervisors as soon as possible, but no later than one (1) hour after the beginning of their regular workday, if they are unable to be at work because of illness. In departments where replacements or schedule changes are necessary, employees are required to notify their supervisors no later than one hour before work is scheduled to begin. Department heads are authorized to determine requirements for notification.

Section 9. Sick Leave - Physician's Certification

For all absences due to illness extending beyond three (3) days, a physician's certificate providing proof the employee was unable to work due to illness, injury, or illness in the employee's family, shall be required upon request. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The department head, County Manager or Board of Commissioners have the authority to request the certification.

Failure of an employee to provide requested proof shall constitute a reason for non-payment of the days taken or the deduction of annual leave. Such action may also be construed as grounds for further disciplinary action.

Section 10. Sick Leave - Retirement Credit

One month of retirement credit is allowed for each twenty (20) days (160 hours) accrued in an employee's sick leave account at the time of retirement, to employees who are members of the North Carolina Local Governmental Employees' Retirement System.

(See Your Retirement Benefits from the North Carolina Local Governmental Employees' Retirement System).

Section 11. Sick Leave - Payment Upon Separation

Employees will not be paid for any portion of unused sick leave when they leave the employment of the county, for any reason.

Section 12. Acceptance of Previous Sick Leave

A new employee of the county, whose last employer was the State of North Carolina or another local government in North Carolina, may be given credit for accumulated sick leave with the previous employer. The credit for sick leave applies only to an employee who came directly to the county from the previous employer with no significant gap in work time. Credit is not given for previous service with the county or for service with a previous employer when there is over one (1) year breaks in work time or when retirement benefits were withdrawn.

Section 13. Childbirth Policy

In accordance with the policy on Equal Employment Opportunity, female employees shall not be penalized in their employment because they require time away from work caused by or contributed to/by pregnancy, miscarriage, abortion, childbirth and recovery. Disabilities resulting from pregnancy shall, for sick leave purposes, be treated the same as any other temporary disability suffered by an employee. Accumulated sick leave may be used for the period of actual disability as a result of child bearing or recovery therefrom. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability.

Section 14. Family Leave

A permanent employee is permitted to take family leave in accordance with the Family and Medical Leave Act of 1993, effective August 5, 1993. The employee may elect to use accrued annual or sick leave before going on leave without pay status. Paid leave runs concurrent with Family and Medical Leave. Family leave may be used for the following:

1. Pregnancy, miscarriage, abortion, childbirth, or recovery there from, initial child care, and adoption and foster care.
2. Personal illness or disability. A doctor's certificate will be required verifying the employee's period of illness or disability.

3. Illness or disability of an immediate family member. Immediate family is defined as spouse, parents, and children including half, step, and in-law relationships, or a member of the employee's household.

An employee desiring to take family leave shall notify the county in writing thirty (30) days prior to the use of such leave, whenever possible, stating the nature of the condition, the anticipated dates and duration of the requested leave and the types of leave requested.

A permanent employee may be granted an additional leave of absence without pay for up to six (6) calendar months at the discretion of the commissioners. See Chapter 10, Section 15. Failure to report to work at the expiration of family leave, unless an extension has been requested and granted, shall be considered a resignation. Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. However, with the mutual agreement of the commissioners and the employee, an employee may return to work at less than the normal number of work hours.

The County shall not prohibit employees from working prior to childbirth. Accumulated sick leave is available to employees for any period of temporary disability before childbirth in the same manner as for any other temporary disability. The attending physician shall indicate in writing the period during which the employee is physically unable to work.

Section 15. Leave Without Pay Policy

A County employee may be granted a leave of absence without pay for up to one (1) year by the Board of Commissioners, upon recommendation of the County Manager and department head. An employee granted a leave without pay may be carried on the County's books in a non-pay status. The leave will be used for extenuating personal or immediate family circumstances, completion of education, or special work that will permit the County to benefit by the experience gained or the work performed. The employee will apply in writing to the Department Head for leave. He is obligated to return to duty within, or at the end of the time determined appropriate by the Board of Commissioners. If he finds that he will not return to work, he should notify the Department Head immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, will be considered a resignation.

An employee who continually exhausts their available leave will be subject to the following: An employee not reporting to work for three days anytime within a fiscal year under leave without pay due to poor planning resulting in exhaustion of all available leave will be subject to disciplinary action up to and including dismissal. Leave without pay is a benefit not to be abused. Employees should strive to conserve their leave days in an effort to be best prepared for unforeseen circumstances.

Section 16. Voluntary Shared Leave Policy

There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their leave so as to provide assistance to a fellow County employee. This policy provides an opportunity for employees to assist another affected by a medical condition that requires absence from work for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave. The hours of elected officials carried in the books will not be available for donation.

In the case of a prolonged medical condition, an employee may be nominated to become a recipient of leave transferred from the leave accounts of another employee within County government. For purposes of this policy, medical condition means of an employee, their spouse, parents, children, or other dependents (including step and in-law relationships) that is likely to require an employee's absence from work for a prolonged period of time, generally considered to be at least 20 consecutive work days. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months, the County may make an exception to the 20-day period. The intent of this policy is to allow one employee to assist another in case of a prolonged medical condition that results in exhaustion of all earned leave.

1. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.
2. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the donation of leave.
3. The employee must be a full-time permanent employee. Participation in this program shall be based on the employee's past compliance with leave rules.
4. Non-qualifying conditions: This policy will not ordinarily apply to short-term or sporadic conditions or illnesses.

Application Procedure:

1. By letter of application to the employee's department head, an employee may request to donate leave to a fellow employee, or be nominated by a fellow employee.
2. Application to donate should include name, social security number, job title and department from which donations of leave would be made and designate recipient.

3. The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient (or family member) has a prolonged medical condition needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.
4. The County Manager may approve the transfer of leave upon recommendation from department heads for recipient and donor and that action complies with policy set forth herewith.

Recipient Guidelines

1. A prospective recipient may make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.
2. Participation in this program is limited to 480 hours.
3. The employee must exhaust all available leave before using donated leave.
4. At the expiration of the medical condition, as determined by the County Manager, any unused leave in the recipient's donated leave account shall be treated as follows:
 - a. The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours.
 - b. Any additional unused donated leave will be returned to the donor(s) on a pro rata basis and credited to the leave accounts from which it was donated. Fractions of one hour shall not be returned to an individual donor.
5. If a recipient separates due to resignation, death, or retirement from County employment, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

Donor Guidelines:

1. The minimum amount to be donated is four hours.
2. The maximum amounts of leave, allowed to be donated, by one individual is no more than the amount of the individual's annual rate. However, the amount donated is not to reduce the donor's leave balances below one-half of the annual leave accrual rate.

Leave Accounting Procedures:

1. All leave donated shall be credited to the recipient's sick leave account. Voluntary shared leave available in the recipient's sick leave account will be charged according to the Sick Leave Policy.

2. Leave transferred under this program will be available for use on a current basis.

Section 17. Use of Accumulated Annual and Sick Leave and Continuation of Benefits in General

Accumulated annual leave will be exhausted when an employee goes on leave without pay, except when he is drawing Workmen's Compensation payments. If an employee desires to go on leave without pay for reasons of personal disability, he must first exhaust accumulated sick leave, except when he is drawing Workmen's Compensation payments. A physician will furnish on a prescribed form when the period of disability actually begins and ends. When on leave without pay, an employee will not continue to earn leave or be paid for holidays. However, the employee will continue to be eligible for merit increases, and be eligible to receive benefits under the county's group insurance policies through COBRA. An employee going on leave without pay for reasons of personal or family disability will be reinstated to the same position or one of like classification, seniority and pay upon his return to work.

Section 18. Military Leave

Employees who are members of the National Guard or Armed Forces Reserve will be allowed fifteen days military training leave, at adjusted pay, in one year. Adjusted pay means that the County will make up the difference between military pay and regular County base pay. Under emergency conditions, the Board of Commissioners may grant additional days of emergency leave. While on military leave, benefits and leave will accrue as though on regular County duty.

Part-time employees, who are in a permanent status, shall be allowed to take military leave in proportion to the number of hours worked. Part-time employees taking military leave shall not be paid for more than the normal hours worked in a day.

Employees serving a probationary period, and all temporary employees, must take leave without pay to serve any required duty. Employees serving military duty will be allowed to keep pay received from such duty.

Permanent employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Section 19. Civil Leave

Civil leave may be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding. The employee will receive leave with pay for such duty without charge to accumulated leave.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the Finance Officer any witness fees awarded for court appearances in connection with official duties.

When an employee's obligation for jury or witness duty ends during the work day, the employee should return to work as soon as practical.

While on civil leave, benefits and leave shall accrue as though the employee has been at work.

Exception: An employee who is a principle in private litigation shall not be entitled to civil leave, but may take annual leave or leave without pay for necessary court appearances with the approval of the County Manager.

Section 20. Funeral Leave

An employee may use sick leave up to three (3) working days for funeral leave, in case of death in the employee's immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, grandparents, grandchildren, including all half, step, and in-law relationships derived from those listed. In other cases where a relative is not covered by the definition above, but where unusual circumstances warrant, the County Manager may grant funeral leave. If additional leave is necessary beyond the three (3) days sick leave, then vacation, compensatory time, or leave without pay may be taken with the approval of the County Manager.

In addition, funeral leave will be granted to attend the funeral of a fellow co-worker.

Temporary employees are not entitled to funeral leave.

Section 21. Educational Leave

On recommendation of the department head, subject to the approval of the Board of Commissioners, an employee may be granted educational leave of absence without pay for a period not to exceed twelve (12) months, or educational leave with pay may be granted provided such arrangements as need to be made are agreeable to all parties if the education is necessary to the employee's job requirements, subject to the approval of the Board of Commissioners.

Reimbursement for educational expenses directly related to an employees job may be paid upon recommendation by the department head, county manager, and then approved by the Cherokee County Board of Commissioners.

Section 22. Adverse Weather Policy

In the event of severe weather conditions the County Manger, under the advise of the Director of Emergency Management), or in his absence, the Chairman of the Board of County Commissioners, has authority to alter the regular business day in accordance with the following guidelines.

1. Severe weather will not cause county offices to be closed. Those employees that can make it to work are encouraged to do so; however if an employee feels it is unsafe to

travel and desire to take annual leave, compensatory time, or leave without pay during days of severe weather he/she may do so. The employee shall notify the department head of his/her intention.

2. Delayed Opening of County Offices: Following severe weather conditions occurring during the night, the County Manager, under the advice of the Emergency Management Director, may authorize a delayed opening of County offices for the safety of employees and the public. In this situation, an announcement of the delayed opening will be made on WCVP and WKRRK as early as possible, normally no later than 6:30 AM. Any time the offices are not open will be counted as administrative leave and will be reported on the time card as such.

Any employee not reporting to work for reasons of inclement weather by the stated time will be required to use accrued annual leave, compensatory time, or leave without pay for all time taken. Department Heads are responsible to establish minimum office staffing for these adverse weather events so that all offices will remain open.

3. Exclusions from the adverse weather policy: All law enforcement and emergency services personnel are specifically excluded from this policy. Work hours will continue to be set at the discretion of the respective department head or supervisor.
4. Any employee who has already scheduled vacation time, or who was already out sick or using comp time may not be allowed to use administrative leave.

Maintenance and other departmental personnel necessary for snow removal operations or critical functions will work such hours as needed.

Section 23. Worker's Compensation Leave

All work related injuries must be reported to the immediate supervisor within 24 (twenty-four) hours. The Human Resources office has incident reporting forms to use which ask for information necessary to report a claim. Failure to report an injury within 48 (forty-eight) hours may result in disciplinary action, up to and including dismissal. The completed claim form must be forwarded to the Human Resources Manager as soon as it is received by the supervisor. Serious injuries must be reported immediately.

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive Worker's Compensation benefits.

1. Payment of the first seven days of disability as sick time for regular wages, as accrued.
2. From day 8 until return to work or suitable modified light duty with in medical restrictions payment of 66 2/3 % of pre-injury wage.
3. Department directors and sheriff's office will be mandated to offer suitable modified light duty work within medical restrictions and assist offering these positions on an interdepartmental as approved by the County Manager.

4. Employees are not eligible to take sick leave time while receiving workers compensation benefits.
5. An employee who is absent due to a worker's compensation injury past three days will also be placed on Family and Medical Leave for up to the allowed twelve weeks. If an injury requires an employee's absence for more than 12 (twelve) weeks, the County shall terminate the employee's County paid health insurance and offer the employee the option of continuing health insurance coverage through COBRA, which will be at the employee's expense.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by worker's compensation.

CHAPTER 11. EMPLOYEE BENEFITS

Section 1. Group Life and Accidental Death and Dismemberment Insurance

The County provides group life insurance to all permanent employees which is effective on the first of the month following one full calendar month of employment.

Section 2. Hospitalization and Medical Benefits

The County provides to all permanent employees a group health plan with Insurance Companies. Coverage is effective on the first of the month following one full calendar month of employment. The County pays the full cost of the monthly premium for permanent full-time employees. Employees pay the cost for dependent insurance coverage.

Upon termination of employment, employees are eligible for continued coverage under COBRA (Consolidated Omnibus Budget Reconciliation Act). COBRA notifications will be mailed to an employee upon separation from the insurance administrator.

An employee who has had at least 30 years of service with the County with no consideration of age, shall be entitled to continued coverage under the County's health insurance plan in effect for active County employees until eligible for Medicare. A spouse who has currently been on the plan for a minimum of 5 years is eligible for coverage until eligible for Medicare. The premium for spousal coverage will be equal to an active employee's cost for regular spousal coverage.

Section 3. Dental Insurance

The County provides to all permanent employees dental insurance through Insurance Companies that is effective the first of the month following one full calendar month of employment. The County pays for the cost of employee insurance. Dependent coverage is available through payroll deductions. See the Human Resources Department for information.

Section 4. Retirement

1. Social Security - As required by the Federal Government, employees contribute a set percentage of their salary to the Federal Social Security Program. The County matches this amount.
2. Retirement System - Permanent employees working a minimum of twenty (20) hours per week will be enrolled in the Local Government Employees' Retirement System (qualifying law enforcement officers will be enrolled in the N. C. Law Enforcement Officers' Retirement System). The employee's contribution, through payroll deduction, is 6% of gross salary. This contribution is not subject to state or federal taxes. The County contributes a variable percentage that is set by the Retirement System.

3. Death Benefit - After one year of employment, members of the Retirement System automatically are eligible for a death benefit equal to the employee's previous year's salary, which is an amount between \$25,000 and \$50,000.
4. Separate Insurance Benefits for Law Enforcement Officers - If a law enforcement officer is killed in the line of duty, benefits are paid from a separate insurance plan handled by the Retirement System.

Section 5. Unemployment Compensation

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

CHAPTER 12. TRAVEL AND TRANSPORTATION EXPENSES

Section 1. Policy

It is the policy of the County to reimburse its employees, elected officials, and appointed officials for travel and transportation expenses directly related to official business of the county. All travel costs will be paid directly to the individual incurring the expenses and may not be billed to the County without prior approval of the department head or County Manager.

Section 2. Use of County Owned Vehicles

A County car, when available, should be used instead of a private car. The department head must authorize reservations for a County vehicle.

County-owned cars shall be used for official County business. It shall be unlawful for any officer, agent or employee of the County to use vehicles for any private purpose.

Drivers shall observe all local and state ordinances pertaining to the operation of motor vehicles. Any fines imposed for any violation that was under the control of the driver shall be the responsibility of the driver.

Hitchhikers are not permitted to ride in County owned vehicles. Non-County employees may accompany County employees in County cars when they have a business interest in the travel and if they are covered by Workmen's Compensation by their employer. Clients of the Health Department and Social Services are covered as mandated by State program requirements for service delivery. Due to insurance limitations and regulations, no other passengers are permitted.

At the employee's destination, County cars may be used prudently for necessary travel to obtain meals, etc.

Section 3. Travel Reimbursement

1. Employees and officials traveling on a reimbursable basis for the County will keep an accurate record of their expenses. Expense reports detailing times of departure and return, the daily per diem being charged to the County for meals, and any other County-business related expenses such as parking and mileage (witnessed by receipts, mileage logs, etc.) must be signed by the employee, approved by the department head, and submitted to the Finance Office within 30 days of the employee's return. Meals will be reimbursed per diem according to the schedule hereinafter set forth in item 3. The County will not reimburse any amount over \$30.00 per day.
2. Reimbursement will be in accordance with state reimbursement guidelines, which may be adjusted at any time by action of the Cherokee County Board of Commissioners. Employees may use their personal vehicles for out of County travel

with prior approval of their department head, if there is no County vehicle available for use.

3. On any out-of-County trip, employees will be paid/reimbursed for meals as follows:

Breakfast	\$ 5.00
Lunch	\$ 10.00
Dinner	\$ 15.00
Total	\$ 30.00

Receipts will not be required for the meal per Diem allowance. Employees and officials traveling out-of-County on County business may request a travel advance. If an expense report has not been turned in to the Finance Office within the 30-day period, the amount of the advance will be garnished from the employee's wages.

Section 4. Lodging

Lodging will be reimbursed at the rate established for the conference or meeting which the employee is attending. If there is a choice of accommodation, please choose the one with the lowest rate. Sometimes reservations must be made early in order to get the lowest rate. When not at a conference or meeting which includes accommodations, employees should stay at a chain motel.

Section 5. Training Time

Required attendance at training sessions, workshops, and other meetings, whether before during or after the employee's regular work schedule, is considered work time.

Voluntary attendance at training sessions, workshops, and other meetings is not work time. Attendance is voluntary only if the employee is not led to believe that his working conditions or continued employment would be adversely affected by non-attendance.

Section 6. Travel Time

Travel time is subject to the Fair Labor Standards Act and will be considered work time. This does not include time spent traveling to and from the employee's home and his local office. Travel time includes time spent traveling to training sessions, workshops, meetings, seminars, etc. and any travel time, which is part of an employee's daily responsibilities such as Building Inspectors, Sanitarians, and Tax Assessors.

Section 7. Wage/ Compensation while Traveling

When travel occurs during regularly scheduled work days [Normally Monday – Friday] payment will be made based on the normal rate of pay. If travel or conference/workshop occurs on any county observed Holiday. Holiday pay will be given. If required travel time plus actual training/conference time causes the employee to exceed the normal 40-hour workweek, overtime or compensatory time will be given.

All employees are urged to carpool and share rooms when feasible to control training costs. Compensatory time is encouraged instead of overtime pay when practical.

CHAPTER 13. PERSONNEL RECORDS**Section 1. Personnel Records**

The County Manager or his designated agent will retain personnel records of all disciplinary action. Only information in these records will be considered as the official employee record of disciplinary action. Personnel records are open for inspection in accordance with prevalent laws and regulations.

Section 2. Personnel Action

The County Manager or his designated representative will prescribe necessary forms and reports for all personnel actions.

Section 3. Destruction of Records Regulated

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with G. S. 121-5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined the amount provided in G. S. 132-2.

CHAPTER 14. IMPLEMENTATION OF POLICY

Section 1. Conflicting Policies Repealed

All policies, ordinances or resolutions that conflict with the provisions of these policies and procedures herewith are hereby repealed. However, certain policies pertaining to competitive service personnel will be in effect if there is a conflict with these policies.

Section 2. Separability

If any provision of these policies and procedures are held invalid, the remainder of this policy and the application of such remaining provisions of this policy, other than those held invalid, will not be affected.

Section 3. Violation of Policy Provisions

Any employee violating any of the provisions of these policies shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation.

Section 4. Equality

All policies and provisions in this manual will be enforced on an equal and fair level. No employee will be less or more subject to the provisions of these policies due to “connections”, “status”, or “level of responsibility”. All employees are expected to adhere to the policies and procedures set forth herewith, without exception subject to disciplinary action up to and including suspension and/or dismissal for violations.

Section 5. Amendments

Amendments to these personnel policies and procedures shall be recommended by the County Manager and approved by the Board of County Commissioners.

Section 6. Adoption

Adopted this the _____ day of _____, 2006.

Jonathan D. Dickey, Chairman

Attest:

R. Scott Lindsay, Clerk to the Board