CHEROKEE COUNTY

PERSONNEL POLICIES

AND PROCEDURES

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

Revised April 2015

TABLE OF CONTENTS

PAGE		
5	**Introduction**	
6	**CHAPTER 1.**	**ORGANIZATION OF THE PERSONNEL SYSTEM**
6	Section 1.	Purpose
6	Section 2.	Policy of At Will Employment
6	Section 3.	Coverage
6	Section 4.	Definitions
10	Section 5.	Merit Principles
10	Section 6.	Responsibility of the Board of Commissioners
11	Section 7.	Responsibility of the County Manager
11	Section 8.	Responsibility of the Department Heads
11	Section 9.	Responsibility of the Human Resources Director
12	**CHAPTER 2.**	**CLASSIFICATION AND PAY PLAN**
12	**Section 1.**	Policy Statement
12	**Section 2.**	Adoption of Classification and Pay Plan
12	**Section 3.**	Allocation of Classes to Salary Grades
12	**Section 4.**	Use of Class Titles
12	**Section 5.**	Administration of the Classification and Pay Plan
14	**CHAPTER 3.**	**THE SALARY PLAN**
14	**Section 1.**	Adoption
14	**Section 2.**	Policy
14	**Section 3.**	Maintenance of the Salary Plan
14	**Section 4.**	Administration of the Salary Plan
14	**Section 5.**	Hiring Rate/Starting Salary
15	**Section 6.**	Payment at a Listed Rate
15	**Section 7.**	Trainee Salaries
15	**Section 8.**	Pay Rates in Promotion, Demotion, Transfer, and Reclassification
16	**Section 9.**	Pay Rates in Salary Range Revisions
16	**Section 10.**	Cost-of –Living Increases
17	**Section 11.**	Pay For Part-time Work
17	**Section 12.**	Preparation of Payroll
17	**Section 13.**	Payroll Deductions
17	**Section 14.**	Termination Policy
18	**CHAPTER 4.**	**RECRUITMENT AND SELECTION**
18	**Section 1.**	Equal Employment Opportunity and Americans with Disability Statement
18	**Section 2.**	Priority to Current Employees, Employees Separated Because of Reduction in Force, and Veterans for

		Filling Vacant Positions
18	**Section 3.**	Recruitment
19	**Section 4.**	Application for Employment
20	**Section 5.**	Testing
20	**Section 6.**	Appointment
20	**Section 7.**	Identification
20	**Section 8.**	Residency Requirement
20	**Section 9.**	Post-Offer/Pre-Employment Drug Testing
20	**Section 10.**	Appointments, Sheriff, and Register of Deeds
21	**CHAPTER 5.**	**EMPLOYMENT STANDARDS**
21	**Section 1.**	Probationary Period of Employment
21	**Section 2.**	Demotion
21	**Section 3.**	Transfer
22	**CHAPTER 6.**	**CONDITIONS OF EMPLOYMENT**
22	**Section 1.**	Work Week
22	**Section 2.**	Conflict of Interest/Gifts and Favors
22	**Section 3.**	Personal Telephone Calls
23	**Section 4.**	Use of County Property
23	**Section 5.**	Limitation on Employment of Relatives
23	**Section 6.**	Political Activity Restricted
24	**Section 7.**	Outside Employment
24	**Section 8.**	Dress Code and Grooming Code
24	**Section 9.**	Employee Ethics
25	**Section 10.**	Breaks
25	**Section 11.**	Harassment/Sexual Harassment
27	**Section 12.**	Smoking Policy
27	**Section 13.**	Alcohol and Drug-Free Workplace Policy
27	**Section 14.**	Employee Assistance Program Policy
27	**Section 15**.	Internet Use Policy
27	**Section 16.**	Records Retention Policy
28	**Section 17.**	Disclosure of Confidential Information
28	**Section 18.**	On Street Parking
28	**Section 19.**	No Solicitation
29	**Section 20.**	Safety
30	**CHAPTER 7.**	**HOURS OF WORK AND OVERTIME**
30	**Section 1.**	Overtime/Compensatory Policy
31	**Section 2.**	Time Cards/Preparation of Payroll
32	**Section 3.**	Training Time
32	**Section 4.**	Travel Time
33	**CHAPTER 8.**	**SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**
33	**Section 1.**	Types of Separation
33	**Section 2.**	Resignation

33	**Section 3.**	Reduction in Force
33	**Section 4.**	Retirement
34	**Section 5.**	Death
34	**Section 6.**	Disciplinary Actions
34	**Section 7.**	Disciplinary Actions for Failure in Performance of Duties
35	**Section 8.**	Progressive Steps of Discipline
37	**Section 9.**	Disciplinary Actions for Failure in Personal Conduct
39	**Section 10.**	Disciplinary Suspension
40	**Section 11.**	Non-Disciplinary Suspension
40	**Section 12.**	Disciplinary Actions Toward Temporary Employees and Probationary Employees
40	**Section 13.**	Consultation With Personnel Committee Prior to Demotion or Dismissal Actions Pertaining to Failure(s) in Personal Conduct
41	**Section 14.**	Right of Appeal
41	**Section 15.**	Reinstatement
42	**CHAPTER 9.**	**GRIEVANCE PROCEDURE**
42	**Section 1.**	Purpose
42	**Section 2.**	Coverage
42	**Section 3.**	Policy
42	**Section 4.**	Grievance Procedure
43	**Section 5.**	Discrimination
43	**Section 6.**	Maintenance of Records
43	**Section 7.**	Other Remedies Preserved
44	**CHAPTER 10.**	**ANNUAL LEAVE/SICK LEAVE/HOLIDAY**
44	**Elected Officials**	Elected Officials
44	**Section 1.**	Paid Holidays Observed
44	**Section 2.**	Effect of Holidays or Other Types of Paid Leave
44	**Section 3.**	When Work is Required on Holidays
45	**Section 4.**	Annual Leave
46	**Section 5.**	Sick Leave - Policy
47	**Section 6.**	Sick Leave – Accumulation
47	**Section 7.**	Sick Leave – Use and Reporting
47	**Section 8.**	Sick Leave – Physician's Certification
47	**Section 9.**	Sick Leave – Retirement Credit
47	**Section 10.**	Sick Leave – Payment Upon Separation
48	**Section 11.**	Acceptance of Previous Sick Leave
48	**Section 12.**	Childbirth Policy
48	**Section 13.**	Family Medical Leave
53	**Section 14.**	Leave Without Pay Policy
53	**Section 15.**	Voluntary Shared Leave Policy
55	**Section 16.**	Use of Accumulated Annual and Sick Leave and Continuation of Benefits in General
56	**Section 17.**	Military Leave
56	**Section 18.**	Civil Leave
56	**Section 19.**	Funeral Leave
57	**Section 20.**	Educational Leave

57 **Section 21.** Adverse Weather Leave
58 **Section 22.** Worker's Compensation Leave

59 **CHAPTER 11. EMPLOYEE BENEFITS**
59 **Section 1.** Group Life and Accidental Death and Dismemberment Insurance
59 **Section 2.** Hospitalization and Medical Benefits
59 **Section 3.** Dental Insurance
59 **Section 4.** Other Insurance
60 **Section 5.** Retirement
60 **Section 6.** Unemployment Compensation
60 **Section 7.** Law Enforcement Special Separation Allowance

62 **CHAPTER 12. TRAVEL AND TRANSPORTATION EXPENSES**
62 **Section 1.** Policy
62 **Section 2.** Use of County Owned Vehicles
62 **Section 3.** Travel Reimbursement
64 **Section 4.** Lodging
64 **Section 5.** Training Time
65 **Section 6.** Travel Time
65 **Section 7.** Wage/Compensation while Traveling

66 **CHAPTER 13. PERSONNEL RECORDS**
66 **Section 1.** Personnel Records
66 **Section 2.** Personnel Action
66 **Section 3.** Destruction of Records Regulated

67 **CHAPTER 14. IMPLEMENTATION OF POLICY**
67 **Section 1.** Conflicting Policies Repealed
67 **Section 2.** Separability
67 **Section 3.** Violation of Policy Provisions
67 **Section 4.** Equality
67 **Section 5.** Amendments
67 **Section 6.** Adoption

68 **APPENDIX A Classification and Pay Plan**

72 **APPENDIX B Alcohol & Drug-Free Workplace Policy**

85 **APPENDIX C Employee Assistance Program Policy**

87 **APPENDIX D Technology and Internet Use Policy**

AMENDMENTS

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 which is presented to all employees upon hire and an electronic copy which is located on the County website under Departments > Human Resources > Employee Information. Since changes can be made to policies, the County website version represents the "official" personnel policies and should be used to conduct employee orientation and resolve disputed matters.

Although the policies and procedures contained in this handbook and on the County website 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 the County website version 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. Policy of At Will Employment

Cherokee County does not offer tenured or guaranteed employment. Either the County or the employee can terminate the employment relationship at any time, with or without cause, with or without notice. This at will employment relationship exists regardless of any other written statements or policies contained in this policy or any verbal statement to the contrary. No entity except the Board of Commissioners can enter into any kind of employment relationship or agreement that is contrary to the previous statement. To be enforceable, the arrangement reflecting such relationship or agreement must be in writing; having been first lawfully adopted by the Board, and is lawfully executed by the County

Section 3. Coverage

This policy manual shall apply to all permanent, temporary, part-time, trainee and probationary employees and volunteers 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, and Chapter 9.
2. Employees of the Board 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 Chapters 8 and 9.
4. Temporary employees, shall be subject to all Chapters except Chapters 10 and 11.

Section 4. 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.

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

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.

Part-time PRN Employee An employee hired to work as needed to fill in for full-time or part-time employees who may be absent or on leave, or to perform work that cannot be scheduled in advance.

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 Full-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.

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 in less than a regular work day and/or work week.

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.

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

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.

Work Against An employee who does not meet the minimum requirements for the position and there are lower levels in the series of that classification, the employee may be assigned to the level of the series for which he/she is qualified and may "work against" the experience and educational requirements of the higher level position in the series. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. A work against appointment may not be made when applicants are available who meet the training and experience requirements for the full class and the position being recruited. Work against employees serve the same probationary period as other employees.

Section 5. Merit Principle

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

Section 6. 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 supervise the employees in their respective offices, based on the number of funded and approved positions. 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.

County Health Director

The County Health Director is appointed by the Cherokee County Board of Health (G. S. 130A-40). 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. 108A-12). 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 7. Responsibility of the County Manager

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

Section 8. Responsibility of Department Heads

Department Heads shall appoint, suspend, or remove all county officers, employees, and agents within their respective departments with the exception of the Director of Elections whose authority to appoint, suspend, or remove employees is subject to Board of Elections approval (G.S. 163-35).

Section 9. Responsibility of the Human Resources Director

The Human Resources Director shall be responsible for maintaining personnel files on active and inactive employees, maintaining job descriptions, posting open positions, creating and maintaining forms for use in personnel administration, establishing and maintaining a listing of approved positions within the County at the beginning of each budget year, recommending changes in personnel grades based on studies of similar positions, and any other duties as directed by the County Manager.

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 rest 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 affecting 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 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 the minimum rate of the grade that is immediately one grade below the grade established for 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, 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 as a result of a voluntary request or 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 signed by the employees and 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 Director 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 Director may also make payroll deductions for optional benefits, credit union and other miscellaneous deductions as deemed appropriate by the Human Resources department.

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. However, if an employee leaves work without providing a two-week notice, he will forfeit his right to received payment for accrued annual leave. No sick leave shall be paid upon termination of employment. The Finance Director 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, sex, genetic information, 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 Human Resources Department 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 Human Resources Director 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 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. 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.

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 Human Resources Department will, prior to employment, conduct a review of the driving record of the person to be hired and have a criminal record check performed, which record will become a part of the employee's 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, but is preferred.

Section 9. Post-Offer/Pre-Employment Drug Testing and Background Check

See Appendix B, Section VI, Item A. All applicants being offered conditional employment must undergo a pre-employment background check that is based on job necessity and which may include a criminal background check, credit check, driving history check, sex offender registry search and/or other applicable searches specific to the job being offered. A successful drug test must also be completed before extending a final offer of employment.

Section 10. Appointments, Sheriff and Register of Deeds

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

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 without following the steps outlined in Chapter 9 of this policy.

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)

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

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 affected Department Head. Any employee transferred without his or her having requested it may appeal the action in accordance with the grievance procedure in Chapter 9.

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, with the exception of those departments who are on a flexible work-week schedule. Those departments work four ten-hour days per week with a "flex day" off. 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. Conflict of Interest/Gifts and Favors

In accordance with Board policy and related legislation, no employee, officer, agent, immediate family member, or Board member of Cherokee County shall participate in the selection, award or administration of a contract supported by Federal and/or State funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award: 1) the employee, officer, agent, or Board member; 2) any member of his/her immediate family; 3) his or her partner; or 4) an organization that employs, or is about to employ, any of those listed. The County's officers, employees, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements. These limitations are not intended to prohibit the acceptance of articles of nominal value which are distributed generally, or to prohibit employees from obtaining personal loans from regular lending institutions.

Violation of this policy may result in disciplinary action up to and including dismissal.

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. County provided cell phones should only be used for County business—absolutely no personal business. Each employee should maintain a personal cell phone for personal use. 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 County Manager. Under no circumstances will an employee be supervised by one of their immediate family members or work on the same crew with an immediate family member.

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 any physical or verbal conduct demonstrating hostility toward a person because of his or her age, sex, race, color, religion, national origin, disability, veteran or military status or other "legally protected status" that has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to age, sex, race, color, religion, national origin, age, disability, or political affiliation. Written or graphic material that denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

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 (quid pro quo); 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.

Procedures 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 Human Resources Office. (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 Human Resources Office. Such reports to superiors and to the Human Resources Office are to be made in writing regardless of how knowledge of the case was acquired. (4) The Human Resources Manager, County Manager, or County Manager's designee shall investigate and submit 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 Human Resource Office or 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.

Due to the potential for difficulties arising from intimate relationships between supervisors and subordinates, dating of supervisors and subordinates is not allowed. Dating between two members of the same department is discouraged, but is not prohibited. If a person with supervisory authority wishes to establish an intimate relationship with someone who is their subordinate, either the supervisor or the subordinate must transfer to a different department or tender a resignation. This policy shall not be retroactive, but will be adhered to going forward.

Section 12. Smoking Policy

Smoking in County buildings and vehicles is prohibited

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 14. Employee Assistance Program Policy

All employees shall be given a copy of the Cherokee County Employee Assistance Program Policy and Procedures. The Employee Assistance Program Policy sets forth the establishment of a program whereby County employees may seek confidential assistance with personal/family/medical and other problems that have the potential to adversely hinder an employee's personal or work life. Employees may also be referred by Management to this program if a work issue has arisen that it is felt would be improved with the assistance of this program. 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 15. Internet Use Policy

All employees shall be given a copy of the Cherokee County Internet Use Policy, which defines and provides guidelines for the use of the County's internet. 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 16. Records Retention Policy

Cherokee County adopted the Records Retention and Disposition Schedule for County Management approximately 10 years ago. The schedule states that in accordance with the provision of Chapter 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

Each employee is responsible for checking the records retention schedule applicable to his or her assigned department prior to disposing of hard copies of documents or emails that may be

considered public record and for knowing what is and what is not a public record. The email retention time is based upon what type of document classification under which the email would fall. "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

The records retention schedule may be found online at the following link http://www.ncdcr.gov/archives/ForGovernment/RetentionSchedules/LocalSchedules.aspx#chart. Note that there are schedules for various different departments. It is each employee's responsibility to adhere to the schedule applicable to his or her department.

Section 17. 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 18. 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.

Section 19. No Solicitation

Vendors are not allowed to market products, services, etc. on county property during office hours except 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 20. 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 the hours permitted under the FLSA workweek. Vacation, sick, holiday, and compensatory time used do not count as hours worked for the purpose of determining overtime hours. With the exception of public safety employees, any hours worked by non-exempt employees in excess of 40 hours during a pay week require overtime pay or, compensatory time off as stated in the compensatory time policy below. Public safety employees (law enforcement and detention officers) may work varied schedules totaling no more than 86 hours per pay period. Public safety employees who work in excess of 86 hours per pay period will be compensated by overtime pay or, compensatory time off.

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 week. It is the policy of the County, in agreement with its employees, that non-exempt employees receive compensatory time off at a rate of one-and one-half (1 ½) hours for each hour of overtime worked. Exempt employees may accrue compensatory time at a rate of one hour for one hour of hours over forty (40) worked in a week.

1. The County's responsibility for payment of overtime and the granting of compensatory time is as follows:

    a. 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 by employees classified as non-exempt as designated under the Fair Labor Standards Act.

    b. 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.

2. Department heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs.

3. 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 that is critical in nature.

4. 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 or 86 hours per pay period in the case of public safety employees. 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 public safety employees (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.

5. Employees wishing to use accrued compensatory time must make a 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.

6. 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.

7. 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. Compensatory time for exempt employees shall have no monetary value and may be used only while the employee is still actively employed. Exempt employees will not be allowed to accrue in excess of 80 hours of compensatory time. Exceptions may be made in extenuating circumstances and must be approved by the County Manager. Approval for the County Manager shall be provided by the Commission Board Chairman.

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. Under no circumstances will an exempt employee be paid for any compensatory time at the time of termination.

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 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 or emailed directly to the employee 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 up to and including dismissal 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.

A department head may allow an employee to forego working a notice of resignation if it is deemed to be in the best interest of the department. In this event, the employee would not be paid for the hours not worked, but would receive pay for accrued annual leave.

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 appraisals, 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 one hundred twenty (120) days, prior to the planned effective retirement date. Those employees retiring from county service shall be paid for annual leave not used at the time of retirement up to the annual allowed amounts of 240 hours for general employees and 252 hours for EMS and telecommunication employees. Any annual leave hours remaining above the amount allowed to be paid will be transferred to the employee's sick leave account. 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 department head shall have the authority to administer any of the aforementioned forms of discipline.

An employee whose work performance is unsatisfactory should receive two (2) warnings, both in writing, before final disciplinary action resulting in suspension, demotion or 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.

Personnel Committee – there shall be a Personnel Committee comprised of the HR Director, County Manager, and County Attorney. The Personnel Committee shall be consulted by the department head prior to any final decision of demotion, dismissal, or non-disciplinary suspension. It is strongly recommended that the Boards and Directors for Public Health, Social Services, and Elections along with the Sheriff and Register of Deeds also seek the consultation of the Personnel Committee prior to any final decisions of demotion, dismissal, or non-disciplinary suspension.

Section 7. Disciplinary Actions for Failure in Performance of Duties

An 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 a physician or other appropriate medical professional.

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 or County Manager 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 or County Manager 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 County Manager, shall prepare a written summary of the performance problem(s) as outlined below. The supervisor/department head or County Manager, 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 or County Manager should indicate on the warning that the employee refused to sign it and have it witnessed.

1. Pre-Disciplinary Conference - If previous warnings have not been effective, the employee shall be subject to a pre-disciplinary conference before being suspended, dismissed or demoted. Before conducting the pre-disciplinary conference, the department head should review the contents of the previous warnings and take the following steps:

a. The department head shall consult with the Personnel Committee and shall provide information on the specific issues and actions concerning the employee's performance;

b. Following the department head's meeting with the Personnel Committee, a pre-disciplinary conference shall be held between the department head and the employee for the purposes of presenting the employee with the specific reason(s) for any proposed disciplinary action. The department head shall have a witness present. The employee shall have the right to respond at the conference.

c. Immediately following the conference, the employee shall be suspended with pay until the following work day when the department head shall 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 personnel file. Final action shall be the decision of the department head.

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 work 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 illegal weapons on the job and the open carrying or displaying of firearms (exception—law enforcement) on the job. This covers the illegal possession of all lethal weapons by employees while on the job and also covers the open carrying or displaying of firearms while 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 Personnel Committee immediately. A disciplinary suspension is without pay and should not exceed a period of two (2) weeks before additional action is taken.

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, one copy shall be filed in the employee's personnel file, and one copy shall be provided to the Personnel Committee.

Section 11. Non-Disciplinary Suspension

During the investigation of an employee, the department head may suspend the employee without pay for the duration of the proceedings as a non-disciplinary action. Prior to placing an employee on a non-disciplinary suspension, the department head shall consult with the Personnel Committee. 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 shall be provided if the suspension is terminated with full reinstatement of the employee. A non-disciplinary suspension may not exceed two (2) weeks without further action. Further action may consist of additional days of suspension to accommodate further investigation. In no case will the total days of non-disciplinary suspension exceed six (6) weeks without a final decision on the matter.

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 department head, 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. Consultation with Personnel Committee Prior to Demotion or Dismissal Actions Pertaining to Failures in Personal Conduct

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

b. A pre-disciplinary action conference shall be held between the department head and the employee for the purposes of presenting the employee with the specific reason(s) for any proposed disciplinary action. The department head shall have a witness present. The employee shall have the right to respond at the conference.

c. Immediately following the conference, the employee shall be disciplinarily suspended for a period of not more than two (2) weeks during which time the department head shall consult with the Personnel Committee. Final action shall be the decision of the department head.

d. The department head 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 14. 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. See Chapter 9 for exceptions.

Section 15. 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 County Manager. 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, employees of the Board of Elections, Sheriff, and Register of Deeds. For employees subject to the State Personnel Act, appeals of termination should be directed to the Office of Administrative Hearings. Any other grievance by these employees should be directed to their respective Department Director or Board. For employees of the Board of Elections, Sheriff, or Register of Deeds, grievances must be presented to the Board of Election, the Elections Supervisor, the Sheriff, or the Register of Deeds respectively. 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 fifteen (15) 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 department head, it may be filed with the County Manager or if that position is vacant, to the Chairman of the Board of Commissioners. An appeal not received within fifteen (15) days will not be acknowledged or responded to as it will be deemed to have not been submitted in a timely manner. The immediate supervisor/department head shall meet with the employee within ten (10) 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 ten (10) days following the meeting. The employee will sign a copy of the decision to acknowledge receipt and date of the response. Employees who are under the supervision of the Register of Deeds or Sheriff shall have no recourse beyond this step.

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 ten (10) 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 ten (10) 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, in consultation with the Personnel Committee, 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. The decision of the County Manager ends the formal grievance process and is the final and binding decision of the County.

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 HR Director'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 or to use the hours as creditable service for retirement purposes.

Section 1. Paid Holidays Observed

1. Cherokee County will follow the State's paid holiday schedule for each year. Paid holidays are not a legal requirement, but are a benefit provided at the discretion of each employer. 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. Employees in public safety and other departments that must remain open on the holiday will be paid for hours worked in addition to holiday pay.

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: Part-time employees do not earn annual leave or sick leave.

Years of Aggregate State Service	Hours Earned Each Month	Hours Earned In One Year
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 agrees 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 and for Telecommunicators shall be 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 (252 for EMS employees and telecommunicators) 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 with twenty (20) days (160 hours) or any portion thereof counting as one month of service.

3. Annual leave may be taken as earned by the employee subject to the approval of the department head. Use of annual leave may be denied if the use thereof creates an undue hardship on the employee's respective department. Saturdays, Sundays, and holidays falling within the normal vacation period shall not be considered as part of vacation leave. Annual

leave may not be used in a holiday week or pay period (for sheriff and detention employees) to cause an employee to receive more hours' pay than the employee would have normally been scheduled to work for that particular week or pay period.

4. The Finance Director 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. An employee's failure to provide a two-week notice of termination will result in a forfeiture of payment of any accrued annual leave. 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 14. 2nd Paragraph.**

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.*** Sick leave may not be used in a holiday week or pay period (for sheriff and detention employees) to cause an employee to receive more hours' pay than the employee would have normally been scheduled to work for that particular week or pay period.

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 - 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 8. 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 or County Manager has 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 9. 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 10. 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 11. 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 break in work time or when retirement benefits were withdrawn.

Section 12. 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 there from. 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 13. Family Medical Leave

A permanent employee is permitted to take family medical leave in accordance with the Family and Medical Leave Act of 1993, as amended in 2009 (FMLA). The employee may elect to use accrued annual or sick leave before going on leave without pay status. The County requires that 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. This leave must be completed within one year of the child's birth or placement and may not be taken on an intermittent or reduced schedule.

2. A serious health condition that renders the employee unable to perform the job. A doctor's certificate will be required verifying the employee's period of illness or disability.

3. A serious health condition of an immediate family member. Immediate family is defined as spouse, parents (in-laws are not included), or child (under age 18, or age 18 or older and incapable of self-care because of a disability).

4. Any qualifying exigency arising from the fact that the employee's spouse, child, or parent is on, or has been notified of an impending call to, active duty status in the National Guard or Reserves or an active Armed Forces service member on active duty in a foreign country (or as a retired member of the regular Armed Forces or Reserves) in support of a contingency operation ("Active Duty Leave"). The following reasons may constitute qualifying exigencies: short notice deployment; attendance at certain military programs

related to active duty assignment; change in childcare obligations due to active duty assignment; change in care arrangements for the service member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty (this may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility); attendance at appointments related to financial or legal planning as a result of active duty assignment; attendance at counseling sessions that are needed as a result of an active duty assignment; short- term temporary rest and recuperation leave of a covered service member during a time of deployment; attendance at certain other post-deployment activities; and other activities as agreed upon by the County and employee.

Additionally, under the FMLA, eligible employees may be granted up to a total of 26 weeks of unpaid leave during a single 12-month period to care for a spouse, child, parent (in-laws not included), or next of kin (nearest blood relative) who is a current member of the Armed Forces (including the National Guard or Reserves) and has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness renders the service member medically unfit to perform the duties of the service member's office, grade, rank or rating and for which the service member is undergoing medical treatment, recuperation or therapy, or the service member is in outpatient status, or is on the temporary disability retired list. This type of leave is referred to in this policy as "Service member Family Leave." The National Defense Authorization Act (NDAA) extended this benefit not only to members still active in the military but to members who are veterans who have been other than dishonorably discharged within five years of receiving the medical treatment, recuperation or therapy prompting the employee's leave request. During the single 12-month period in which Service member Family Leave may be taken, eligible employees are limited to a combined total of 26 weeks of unpaid leave for any reason under the FMLA; however, no more than 12 of those weeks may be taken for non-Service member Family Leave.

The definition of a "serious injury of illness" for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR
2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating ("VASRD") of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

All qualifying leave will be administered in accordance with the FMLA, as amended.

Eligible Employees
Eligible employees are employees with at least twelve months cumulative service with the County and who have worked at least 1,250 hours during the preceding 12 months. For purposes of calculating hours worked for military employees, any time absent from work due to covered service under the Uniformed Services Employment and Reemployment Act ("USERRA") will count as time worked.

Leave Requests and Certifications
An employee desiring to take family medical leave must obtain the appropriate forms from human resources and submit the completed forms no less than thirty (30) days prior

to the use of such leave, whenever the leave is foreseeable, stating the nature of the condition, the anticipated dates and duration of the requested leave and the types of leave requested. If a 30-day notice is not possible, then employees must provide notice as soon as practicable and in most cases must comply with the County's normal call-in procedures. If the leave is for planned medical treatment (whether for employee or covered family member), employees must consult with the department head in advance and make a reasonable effort to schedule the treatment so as to avoid any undue burden on the department. Failure to provide proper notice in accordance with this provision may result in the delay or denial of FMLA leave.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection, and the anticipated timing and duration of the leave. Employees must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Failure to report to work at the expiration of family leave, unless an extension has been requested and granted, shall be considered a resignation. However, with the mutual agreement of the department head and the employee, an employee may return to work at less than the normal number of work hours. 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 County Manager. See Chapter 10, Section 14.

Upon request, employees requesting leave because of their own sickness or that of a parent, child, or spouse must provide medical certification or recertification from an appropriate healthcare provider. Employees requesting Service member Family Leave
because a spouse, child, parent, or next of kin has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, also must provide medical certification from an appropriate healthcare provider of the service member. Employees must contact human resources to obtain certification forms.

Employees are responsible for paying for any certification or recertification. The County, at its own cost, may require a second or third opinion in the case of an employee's own health condition or that or a parent, child or spouse. Upon request, employees must provide a

physician's statement certifying their ability to return to work and perform the essential functions of their job. Failure to provide timely or complete certifications may result in denial of leave or return to work.

Upon request, employees requiring leave because a spouse, child, or parent is on, or has been notified of an impending call to, active duty in the Armed Forces in support of a contingency operation must provide a certification of such duty or call to duty, including a copy of the active duty orders or other military issued documentation.

Periodic Status Report
Upon request, employees on FMLA leave will be required to report periodically, as directed, on their status and intention to return to work. Failure to report, as directed, may result in discontinuation of leave approval, denial of return to work or other disciplinary action, including termination.

Intermittent or Reduced Leave
Intermittent leave (leave taken in separate blocks of time) or reduced schedule leave

(leave taken on a part-time basis) may be taken when medically necessary or in the case of Active Duty Leave or Service member Family Leave. Upon request, employees must provide medical certification that intermittent or reduced schedule leave is medically necessary, the expected duration of the leave and, if the leave is necessary for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment. Employees must make a reasonable effort to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Employees taking such leave for planned medical treatment (whether their own or covered family member's) may be required to transfer temporarily to an alternative position with equivalent pay and benefits for the duration of the leave. Leave will be deducted in increments of .25 hours at a minimum.

Spouse's Combined Leave
Employees who are married to one another are limited to a combined total of 12 weeks of leave during the 12-month period if the leave is taken for: (1) birth of employee's child or to care for the newborn child; (2) placement with the employee of a child for adoption or foster care; or (3) care of the employee's parent with a serious health condition.

Employees who are married to one another are limited to a combined total of 26 weeks of leave during the single 12-month period during which Service member Family Leave may be taken if either Service member Family Leave or a combination of Service member Family Leave and FMLA leave is taken. If the leave taken by the husband and wife includes FMLA leave other than Service member Family Leave, the 12-week limitation described above will apply to that non-Service member Family Leave.

12-Month Period
For the purposes of determining available FMLA leave for reasons other than Service member Family Leave, the 12-month period during which employees may be eligible for FMLA leave

will be calculated on a 12-month period measured backward from the date the FMLA leave is requested to begin. For purposes of Service member Family Leave, the single 12-month period during which Service member Family Leave may be taken begins on the first day the eligible employee takes such leave to care for a covered service member and ends 12 months after that date.

For the purposes of determining available Service member Family Leave, the 12-month period during which employees may be eligible for Service member Family Leave will be calculated on a 12-month period measured forward from the date the employee's leave to care for the covered service member begins.

Benefits Continuation

During leave, employees may continue healthcare coverage under the group health plan. Employees must pay any premiums due at the same time as it would be made if paid by payroll deduction or, if the employee elects, the premiums may be paid in advance. During the leave, the same terms and conditions would apply had the employee not taken the leave. Failure of the employee to pay his or her share of the premiums may result in loss of coverage.

Employees must reimburse the County for its payment of any benefits premiums during leave as follows: (1) employees who do not return to work for at least 30 days may be required to reimburse the County for its share of group health insurance premiums paid

during the leave and (2) employees will be required to reimburse the County for any payments made by the County toward the employee's share of benefit costs during the leave. Any amounts paid by the County toward the employee's or County's share of employee benefits costs during the leave will be treated as an advance in wages with reimbursement to the County made through payroll deduction or vacation pay deduction or forfeiture and, to the extent necessary to achieve full reimbursement, any other available means.

Reinstatement

Under most circumstances, reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work if they have not exceeded the amount of leave permitted under FMLA. Certain highly compensated employees may be denied reinstatement.

Information about FMLA leave

Employees who desire to take family or medical leave should contact human resources for information concerning their eligibility for such leave under the Family and Medical Leave Act of 1993, as amended. For more information regarding employee rights under the FMLA, employees may also refer to the US Department of Labor's Notice to Employees of Rights Under FMLA which is posted in each work location and in the human resources office.

Section 14. Leave Without Pay Policy

A County employee may be granted a leave of absence without pay for up to one (1) year by 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 County Manager and Human Resources Director. 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 15. 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 receive donated leave from other employees within County government. For purposes of this policy, medical condition means a serious illness of an employee, their spouse, parents, children, or other dependents as allowed by the Family Medical Leave Act that is likely to require an employee's absence from work for a prolonged period of time, generally considered to be in excess of two weeks. 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 two week 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.

Donation Procedure:

1. By submission of a leave donation form, which may be obtained from the human resources office or found on the MUNIS self-service site, an employee may request to donate leave to a fellow employee.

2. The leave donation form should include the donating employee's name, the recipient's name, the number of hours to be donated and specify whether sick or vacation hours are to be donated. The form should also be dated. ***Compensatory hours may not be donated.***

3. The Privacy Act makes medical information confidential. When disclosing information on a 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 may divulge that information at his or her own discretion.

Recipient Guidelines:

1. A prospective recipient may receive 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 amount of leave which will be 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 16. 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 17. 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 County Manager may grant additional days of emergency leave. While on military leave, benefits and leave will accrue as though on regular County duty.

The County will abide by all provisions granted to service members by the Uniformed Services Employment and Reemployment Rights Act or its successor. The employee shall provide the County with a copy of any orders requiring military service.

If an employee is called to armed/uniformed services, rather than routine training, and has exhausted all paid leave, the employee shall be eligible for additional military benefits.

These include:

- Health insurance premiums the same as active employees
- Dental insurance premiums the same as active employees
- Credit for the time spent in military service for annual leave accrual purposes
- Credit for the time spent in military service for retirement purposes
- Law enforcement 401(k) contribution with honorable discharge

Section 18. 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 Director 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 19. 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 20. Educational Leave

On recommendation of the department head, subject to the approval of the County Manager, 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 County Manager.

Reimbursement for educational expenses directly related to an employee's job may be paid upon recommendation by the department head and County Manager.

Section 21. Adverse Weather Policy

In the event of severe weather conditions the County Manger, under the advice 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.

Severe weather should 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 desires to take annual leave, compensatory time, or leave without pay during days of severe weather he may do so. Employees should strive to conserve their leave days in an effort to be best prepared for unforeseen circumstances. The employee shall notify the department head of his intention.

Department Heads should make every attempt to establish and maintain minimum office staffing during these adverse weather events so that all offices can remain open. In the event that no staffing will be available to open and maintain the office, the Department Head shall notify Administration and shall be responsible for notifying the media of office closure. In these events, employees in these departments may take annual leave, compensatory time, or leave without pay.

Should conditions be so severe that County offices need to be officially closed, employees may choose to use accrued vacation or compensatory time in order to remain in a paid status. In no event will administrative leave be paid for time not worked due to closure of County offices. This again, is a reason why employees should conserve enough leave days to cover unforeseen circumstances.

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.

Any employee who has already scheduled vacation time, or who was already out sick or using comp time shall not be allowed to claim leave without pay.

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

Section 22. 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 basis 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 beyond 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 and the employee has exhausted all paid leave, 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 full-time employees which is effective on the first of the month following one full calendar month of full-time employment.

Section 2. Hospitalization and Medical Benefits

The County provides to all permanent full-time 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 dependent coverage until eligible for Medicare as long as the retiree is covered under the plan. The premium for spousal coverage will be equal to an active employee's cost for regular spousal coverage. If the retiree should terminate coverage for any reason other than death prior to Medicare eligibility, the spouse's coverage would also terminate. In the event of the death of the retiree before the spouse would become eligible for Medicare, the spouse will be eligible to continue coverage under COBRA at the current COBRA rate for a period of up to 36 months or until eligible for Medicare. In no event will the retiree or spouse be eligible for health insurance when Medicare eligibility is obtained.

Section 3. Dental Insurance

The County provides to all permanent full-time 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. Other Insurance

The County may provide additional group insurance benefits which will be available for the employees to choose from. These optional, employee-paid benefits may include supplemental life insurance, short-term and/or long-term disability insurance, dependent life insurance, cancer insurance, accident insurance, long-term care insurance, flexible spending plan, and other types of coverage that may be available during any given year. There is no requirement that the

County must provide any or all of these types of coverage, but the County may opt to offer these as a courtesy and added benefit to its employees.

Section 5. 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 no less than $25,000 and no more than $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 6. 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.

Section 7. Law Enforcement Special Separation Allowance

Cherokee County provides for a special separation allowance for law enforcement officers, as prescribed by G.S. 128-21 (11b) and 143-166.42 and subject to the following conditions: (1) the officer shall have completed 30 or more years of creditable service, or have attained 55 years of age and complete five or more years of creditable service; and (2) not have attained 62 years of age; (3) have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by G.S. 143-166.41(a)(3) and 143-166.41(b); and (4) the law enforcement officer, after separation from employment with the County, notifies the County of any new employment, including the nature and extent of the employment, or any other change of employment status within five (5) days of the new employment or employment change.

The County shall cease payment of special separation allowance benefits to any retired law enforcement officer receiving benefits upon any of the following: (1) the recipient's death; (2) the last day of the month during which the recipient attains 62 year of age; or (3) the recipient's first day of employment as a sworn law enforcement officer with any subsequent federal, state, or local governmental employer, provided that the retiree's subsequent employer participates in a government-sponsored retirement system, including without limitation any of the following: (a) North Carolina State Teachers' and State Employees' Retirement System; (b) North Carolina Local Government Employees' Retirement System; (c) Federal Employees' Retirement System; (d) Civil Service Retirement System; or (e) any other state or local governmental retirement system outside the State of North Carolina.

The sole exception to this policy shall be if the recipient returns to work for Cherokee County as a part-time, temporary law enforcement officer at the hourly pay rate established in the part-time pay and classification system.

After termination of special separation allowance payments under this policy, such benefits shall not reinitiate upon a change in circumstances of the retired employee.

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 $46.00 per day. Tips for meals are included in the meal allowance. An employee may be reimbursed, if requested, for breakfast even if their lodging establishment offers a free continental breakfast.

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.

3. **A) Meals During Overnight Travel**

   Employees may be reimbursed for meals, including lunches, while on official county business when the employee is in overnight travel status (when overnight lodging is required). The destination must be located at least 50 miles from the employee's regularly assigned duty station (vicinity) or home whichever is less to receive approved reimbursement. **(Reimbursement for meals while in overnight travel status is not subject to payroll taxes per IRS regulations and will be paid through accounts payable.)**

   B) Overnight Travel: Meals For Partial Days of Departure and Return

   Employees may be reimbursed for meals for partial days of travel when in overnight travel status and the partial day is the day of departure or the day of return. The following applies:

   - Breakfast: depart duty station prior to 6:00 a.m. and extend the workday by 2 hours.
   - Lunch: depart duty station prior Noon (day of departure) or return to duty station after 2:00 p.m. (day of return).
   - Dinner: depart duty station prior to 5:00 p.m. (day of departure) or return to duty station after 8:00 p.m. (day of return) and extend the workday by 3 hours.
   - The travel must involve a travel destination located at least 50 miles from the employee's regularly assigned duty station (vicinity) or home, whichever is less.
   - **Reimbursement for meals while in overnight travel status is not subject to payroll taxes per IRS regulations and will be paid through accounts payable.**

   C) Meals During Daily Travel (not requiring overnight lodging)

   Allowances cannot be paid to employees for lunches if travel does not involve an overnight stay; however, employees can be eligible for allowances for the breakfast and evening meals when the following applies:

   - Breakfast (morning): depart duty station prior to 6:00 a.m. and extend the workday by 2 hours.
   - Dinner (evening): return to duty station after 8:00 p.m. and extend the workday by 3 hours.

- The travel must involve a travel destination located at least 50 miles from the employee's regularly assigned duty station (vicinity) or home, whichever is less.

- **Reimbursement for meals not requiring overnight lodging is subject to payroll taxes per IRS regulations and will be paid through payroll.**

D) Meals for Required Employee Attendance
Employees may be reimbursed for meals, including lunches, when the employee's job requires his attendance at a meeting in his official capacity and the meal is preplanned as part of the meeting. Such meetings must include persons other than the employees of Cherokee County. **(Reimbursement for meals not requiring overnight lodging is subject to payroll taxes per IRS regulations and will be paid through payroll).**

4. 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.

5. The Per Diem rate paid/reimbursed for meals shall be as follows:

Breakfast	$ 11.00
Lunch	$ 14.00
Dinner	$ 21.00
Total	$ 46.00

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 5th day of January, 2015.

Chairman

Attest:

Clerk to the Board

APPENDIX A

CHEROKEE COUNTY

CLASSIFICATION AND PAY PLAN
This represents 96.5% of July 1, 2007 State Pay Plan plus $1.00 per hour
Effective July 1, 2019

GRADE	POSITION TITLE	MIN	MARKET	MAX	Min Hrly Rate
53	Breastfeeding Peer Counselor	22892	27242	31110	11.0058
	Convenience Site Attendant				
	Cook I				
	Custodian				
	Food Service Asst I				
	Laborer				
	Office Aide				
	Recreation Park Assistant				
	Rider-Heavy Equipment				
54	Aviation Services Worker	23133	27781	32187	11.1218
	Community Social Services Asst				
	Office Asst II				
	Recycling Processor				
	Sign Installer				
55	Cook II	23375	28314	33251	11.2378
	Groundsworker				
	Transit Operator				
56	Medical Lab Asst II	23540	29002	34463	11.3171
	Museum Manager				
57	Cook Supervisor I	24267	30003	35739	11.6670
	Medical Office Asst				
	Nutrition Site Coordinator				
	Office Assistant III				
	Processing Assistant III				
	Scale House Operator				
	Transit Dispatcher-Scheduler				
58	Administrative Secretary I	25009	31029	37048	12.0237
	Lead Worker III				
	LPN I				
	Custodial Manager				
	Medical Lab Assistant III				
	Permit Technician				
	Transit Administrator/Trainer				
	Transit Data/Maintenance Admin				
59	DCI/Records Clerk	25824	32122	38421	12.4153
	Office Assistant IV				
	Office Work Unit Supr IV				
	Processing Assistant IV				
	Program Assistant IV				
60	Administrative Secretary II	26672	33293	39913	12.8231
	Aviation Services Supervisor				
	Deputy Register of Deeds				
	Deputy Tax Collector				
	Detention Officer Trainee				
	Facilities Maintenance Assistant				

	Recreation Park Maintenance Assistant Tax Clerk I Telecommunicator Trainee Transit Office Manager Transit Operations Supervisor Transport Officer--Detention				
61	Animal Control Officer Evidence Technician/Non-certified Heavy Equipment Operator Income Maintenance Caseworker I Tax Clerk II	27598	34524	41449	13.2685
62	Accounting Technician II Administrative Asst-Emer Mgmt Assistant Register of Deeds Bus/Per Property Appraiser Trainee Detention Officer EMT-Basic LPN II Medical Lab Technician I Social Work Trainee Telecommunicator Transit Coordinator	28506	35756	43006	13.7046
63	Accounting Technician III Administrative Assistant-Soil and Water Bus/Per Property Appraiser I Child Support Agent I Delinquent Enforcement/Foreclosure Officer Fire Inspector/Admin Sec I Mapping Tech Income Maintenance Caseworker II Income Maintenance Investigator I Nutritionist I Public Health Educator I Senior Telecommunicator Social Worker I Tax Administrative Assistant Technology Support Technician Victim Advocate	29488	37073	44657	14.1769
64	Administrative Assistant I-HD Advanced EMT Bus/Per Property Appraiser II Communications Supervisor Deputy Director of Elections Deputy Sheriff Trainee Detention Sergeant EMT-Intermediate Solid Waste Operations Manager Tax Appraiser Trainee	30488	38464	46440	14.6575
65	Accounting Technician IV Administrative Assistant II Bailiff Bur/Per Property Appraiser III Child Support Agent II Community Employment Case Manager (CECM) Deputy Sheriff	31534	39953	48372	15.1604

	Evidence Technician/Certified LEO Fire Insp/Bldg Code Insp Trainee/Admin Sec GIS Tech/Sign Installer Income Maintenance Caseworker III Income Maintenance Supervisor I Income Maintenance Investigator II Recycling Coordinator Veterans Service Officer				
66	Building Code Insp Trainee Detention Lieutenant Environmental Health Specialist Trainee Law Enforcement Corporal Nutritionist II Paramedic Park Supervisor Tax Appraiser I	32667	41532	50397	15.7051
67	911 Addressing Coordinator Admin Asst/Clerk to the Board Administrative Officer I Asst to Facility Maintenance Director Child Support Supervisor I EMS Lieutenant Environmental Health Specialist Fire Inspector Heavy Equipment Mechanic Income Maintenance Supervisor II Public Health Educator II Social Work Supervisor I Social Worker II Tax Appraiser II Veteran's Service Supervisor	33891	43257	52621	16.2939
68	Administrative Assistant III Admin Ofcr I/Publid Health Educ II Andrews Park Manager Assistant EMS Director Building Code Insp I Child Support Supervisor II Asst Detention Administrator/Captain Director of Elections EMS Captain EMS Training Officer GIS Coordinator Interdiction Officer Investigator Law Enforcement Sergeant Program Assistant V Tax Revaluation Coordinator/Lead Tax Appraiser Medical Lab Technologist I Nutritionist III Senior Services Director Tax Appraiser III	35119	45051	54983	16.8840
69	Asst to EMS Director Building Code Insp II County Recreation Director Director of Communications	36420	46907	57395	17.5094

	Environmental Health Program Coordinator Facility Maintenance Director Income Maintenance Supervisor III Purchasing Officer/Accountant Social Worker III				
70	Assistant Code Enforcement Supervisor Assistant Tax Administrator Building Code Insp III Emergency Management Coordinator Fire Marshal GIS Administrator Law Enforcement Lieutenant PHN I Social Work I, A & T Social Work Quality Assurance Social Work Supervisor II Technology Support Analyst	37856	48910	59963	18.2002
71	Detention Administrator/Major	39280	50936	62592	18.8845
72	Chief Deputy Code Enforcement Supervisor PHN II Transit Director	40749	53050	65351	19.5906
73	Business Officer I-DSS Economic Development Director PHN III Social Work Supervisor III Solid Waste Director Tax Collector	42308	55300	68292	20.3404
74	Human Resources Director PHN Supervisor I	44032	57728	71422	21.1694
75	Systems Administrator	45878	60268	74657	22.0569
76	EMS Director IT Director PHN Supervisor II	47775	62917	78060	22.9686
77	Social Work Program Administrator II	49922	65771	81619	24.0009
78	Assistant County Manager Tax Assessor	52089	68744	85399	25.0429
79	Physician Extender Tax Administrator	54415	71882	89350	26.1610
80		56805	75124	93441	27.3102
81		59335	78544	97751	28.5266
82	DSS Director Local Health Director	61900	82136	102371	29.7598
83	Finance Director	64748	86006	107264	31.1289
84	County Manager	67690	90018	112345	32.5434
85		70760	94204	117647	34.0192
86		73957	98600	123243	35.5563
87		77344	103236	129128	37.1847
88		80968	108110	135252	38.9268
89	County Attorney DSS Attorney	84655	113169	141683	40.6995
90		88546	118520	148494	42.5702
91		92645	124162	155679	44.5410
92	Physician II	97076	130133	163190	46.6709
93		101678	136394	171109	48.8835

APPENDIX B
CHEROKEE COUNTY
ALCOHOL AND DRUG-FREE WORKPLACE POLICY

Section 1. Purpose and Scope of Policy

A. The purpose of this Policy is to maintain a drug- and alcohol- free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs.

B. Employees with substance-abuse problems are encouraged to voluntarily seek help from the employee assistance program. However, employees who fail drug or alcohol tests may be disciplined, up to and including termination.

C. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Cherokee County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. Cherokee County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.

D. Participation in a counseling, treatment, or rehabilitation program for drug and/ or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/ abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the County of being a drug user/ abuser or alcohol abuser.

Section 2. When May a Drug Test Be Done

A. **Pre- employment.** Before an applicant may receive a final offer of employment, he must submit to a drug test, the results of which must be negative. Refusal to submit to a pre-employment drug test will result in any offer of employment being withdrawn. A drug test with a positive result will also cause an employment offer
to be withdrawn.

B. **Post Accident.** Post-accident testing must be conducted on any driver or any other safety-sensitive employee not in the vehicle (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation and an individual suffers a bodily injury and immediately

APPENDIX B

receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed. Cherokee County mandates testing in the event of any motor vehicle accident other than "mirror-swapping" accidents.

C. **Reasonable suspicion.** A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has misused alcohol as defined in this Policy. Reasonable-suspicion testing is authorized only if the required observations are made by a trained supervisor or official of the locality where the covered employee is on duty.

D. **Random Testing.** Employees designated as safety sensitive, as defined by the DOT guidelines will be tested on an unannounced basis throughout the year. Computer-based, random numbers generated and matched with the employee's identification number will determine who is tested.

E. **Return to Duty.** An employee who has a positive breath alcohol test of 0.04 or greater will not be allowed to return to duty in the performance of a safety-sensitive function until he or she has been evaluated by a substance abuse professional and until he or she tests negative---less than an 0.02---on a return-to-duty alcohol test.

F. **Follow-up.** Once allowed to return to duty, an employee who has been determined by the evaluating substance abuse professional to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six weeks follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months following return to duty as prescribed by the evaluating substance abuse professional.

Section 3. Drug and Alcohol Abuse Testing Policy for all Employees

A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.

B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.

C. Employees who are terminated as a result of a violation of this Policy shall be referred to the employee assistance program for evaluation and further counseling or treatment by a substance abuse professional.

D. An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred-eighty-day performance probation, and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return-to-work provisions as outlined in this policy. Refusal to comply with the rehabilitation program prescribed by the

APPENDIX B

substance abuse professional will result in termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of this case are reviewed by the human resources department. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.

E. No safety-sensitive employee shall use alcohol within four hours before going on duty or operating, or having physical control of, a commercial motor vehicle or transit service vehicle.

F. No employee shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration of 0.04 or greater. An employee who reports to work and whose breath alcohol test result indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.

G. When there is reasonable suspicion (see Section 7, Definitions) that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management concludes that the alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the employee shall receive appropriate discipline as outlined in this Policy.

H. A reasonable-suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion or following the accident. If the test is not administered within two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame, the following should occur:

1. No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or

2. Twenty-four hours have elapsed following the determination of reasonable suspicion. No employee may refuse to submit to an alcohol test as required by the regulations.

I. A written record shall be made of the observations leading to a reasonable-suspicion drug or alcohol test and signed by the supervisor or departmental designee who made

APPENDIX B

the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.

J. A post-accident drug test shall be administered within thirty-two hours following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug test required by the regulations.

K. No safety-sensitive employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post- accident alcohol test is performed, whichever comes first.

L. An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test. The employee shall be removed from duty without pay for this twenty-four hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.

M. Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Selected employees will be transported to the designated testing location. Random testing for drugs and alcohol shall be conducted at the rate mandated by DOT or County policy.

N A drug and alcohol test will be included as part of the promotion/demotion/transfer/selection process for employees determined to be final candidates for positions requiring a commercial driver's license for positions requiring a physical examination and for positions that are safety sensitive.

O. An employee who tests positive for alcohol must submit to a return-to-duty breath alcohol test before resuming the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02. A return-to-duty breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay. A return-to-duty breath alcohol test result of 0.04 or greater will be considered as the second positive alcohol test within a five-year period and will result in termination.

P. An employee who refuses to submit to, or fails to follow through with, a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of this case are reviewed by the human resources department.

APPENDIX B

Q. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt an adequate amount of breath. If the employee continues to allege an inability to provide sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to Cherokee County addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to management for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.

R. An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

S. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident. The human resources department will be consulted prior to such discipline being imposed.

T. The medical review officer will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.

U. Employee returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Those employees covered by DOT guidelines must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. A follow-up breath alcohol test result of 0.04 or greater will result in termination. A follow-up breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay. A second such occurrence of a follow-up breath alcohol test result of 0.02-0.039 within the prescribed sixty month period will result in termination.

V. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her

APPENDIX B

department head of the conviction within five days after such conviction. (NOTE: This is a requirement of the Drug-Free Workplace Act.) Failure to comply with this requirement will result in termination.

Section 4. Applicant Testing

A. Applicants determined to be final candidates for all County positions will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made.

B. Applicants determined to be final candidates for positions requiring a commercial driver's license or positions designated as safety sensitive by DOT guidelines will also be required to submit to an alcohol screening. The applicant must have a breath alcohol test result of less than 0.04 to be considered for employment.

C. An applicant will have four hours to provide an acceptable urine specimen. An applicant who refuses to submit to, or fails to follow through with, the drug test as required, will not be considered for employment for a two-year period.

D. An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test and then will be considered only when (1) such applicant provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse or rehabilitation program and (2) such applicant passes a pre-placement drug and/or alcohol test.

E. Any applicant covered by the provisions of the DOT alcohol-and drug-testing guidelines whose breath alcohol test result indicates an alcohol concentration of 0.02-0.039 will not be considered for employment for a two-year period following administration of the test.

F. Applicants having completed a drug or alcohol rehabilitation program within two years prior to their employment with Cherokee County will be required to certify that they have successfully completed the program before they can be hired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

Section 5. Compliance with Law

A. Information regarding the testing and referral of employees and applicants under this Policy will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.

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

APPENDIX B

Section 6. Supervisory Responsibilities

Every supervisor shall

A. Consistently apply this Policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.

B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such an employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.

C. Insure that employees that he or she supervises are aware of the requirements and consequences of this Policy.

D. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home---either by personal family/friends or by arranged transportation.

Section 7. Employee Responsibilities

Every employee shall

A. Abide by this policy as a condition of employment.

B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.

C. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on "on call" status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered AWOL if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.

D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.

APPENDIX B

E. Notify his or her department head, if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction, as required by the Drug-Free workplace Act.

Section 8. Definitions

Accident means any type of motor vehicle accident, with the exception of "mirror swapping".

Alcohol Test means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

Canceled, with respect to the results of a drug test, means a test result in which the medial review officer finds insufficient information or inconsistent procedures with which to make a determination.

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Criminal Drug Statute means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

Drug means a controlled substance as listed in Schedules I through V of Section 202 of the controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

Drug Test and Drug Screening means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

a. amphetamines

b. barbiturates

c. benzodiazepines

d. cannabinoids

e. cocaine

f. methaqualone

g. opiates

h. phencyclidine

i. propoxyphene

j. other drugs that may be determined to reduce work efficiency

APPENDIX B

Medical review officer is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

Negative, with respect to the results of a drug test, means a test that does not show presence of drugs at a level specified to be a positive test.

Negative, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

On Call means being subject to a call to report immediately to work for Cherokee County.

On Duty means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Cherokee County.

Other Substance means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

Positive, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by Cherokee County; all positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

Positive, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.

Pre- employment testing is testing conducted on an applicant for employment prior to his being extended a final offer of employment.

Qualified negative, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

Random testing is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

APPENDIX B

Reasonable suspicion exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute a reasonable suspicion:

a. slurred speech

b. the odor of marijuana or alcohol about the person

c. inability to walk a straight line

d. an accident resulting in damage to property or personal injury

e. physical altercation

f. verbal altercation

g. behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)

h. possession of drugs

i. verifiable information obtained from other employees based on their observations

j. arrests, citations, and deferred prosecutions associated with drugs or alcohol

Safety-sensitive position means:

A position will be designated safety sensitive only where Cherokee County has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a monetary lapse of attention, judgment, or dexterity could have disastrous consequences.

Unannounced follow-up testing is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

APPENDIX B

Examples of these positions include:

a. Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operations of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).

b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.

c. Other positions as determined on a case-by-case basis.

The following includes activities defined as safety sensitive by the Federal Highway administration or Federal Transit Administration portion of the DOT guidelines:

a. Driving

b. Inspecting, servicing, or conditioning any commercial motor vehicle.

c. Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.

d. Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper birth.

e. Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.

f. Performing driver requirements relating to accidents.

g. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

h. Operating a revenue service vehicle, including when not in revenue service.

i. Operating a non-revenue service vehicle when required to be operated by a holder of a commercial driver's license.

j. Controlling dispatch or movement of a revenue service vehicle.

k. Maintaining a revenue service vehicle or equipment used in revenue service.

l. Carrying a firearm for security reasons.

Determination as to which positions are safety sensitive will be based on DOT guidelines or the recommendation of the department head and approval by the personnel department.

APPENDIX B

Supervisor, in general means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

Pass a drug test means that the result of a drug test is negative. The test either

a. showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or

b. showed evidence of a prohibited drug or drug metabolite but there was legitimate medical explanation for the result as determined by a certified medical review officer.

Pass an alcohol test is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

Workplace means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor worksites, Cherokee County or personal vehicles (while personal vehicle is being used for Cherokee County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

Substance abuse professional means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of both drug- and alcohol- related disorders.

Commercial Motor Vehicle means a motor vehicle or combination of vehicles used in commerce to transport passengers or property if the motor vehicle

a. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

b. has a gross vehicle weight rating of 26,001 or more pounds; or

c. is designed to transport 16 or more passengers, including the driver; or

d. is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation test for alcohol means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test

APPENDIX B

and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

Refuse to submit means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, or (4) engages in conduct that clearly obstructs the testing process. An employee subject to the post-accident testing requirements of the DOT who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

APPENDIX C

Cherokee County Employee
Assistance Program Policy

Cherokee County recognizes that a wide range of medical/personal issues can affect an employee's life and job performance. Examples of such medical/personal issues include family or marital distress, alcoholism, other drug dependencies, emotional instability, financial or legal problems. These problems can result in personal misery as well as deterioration of safety and job quality, which affect our fellow employees.

In many instances, an employee will overcome such problems independently, and the effect on employment surroundings will be negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such issues may be resolved. In some cases, however, neither the efforts of the employee nor the supervisor have the desired effect. Problems may persist over a period of time, either intermittently or constantly.

The purpose of the Employee Assistance Program (EAP) is to identify such issues at the earliest possible stage, motivate the employee to seek help, and to direct the employee to the appropriate assistance. Cherokee County believes it is in the best interest of the employee, the employee's family, and the County to provide an employee service which deals with these situations.

1. It is important for us all to recognize that these issues can be successfully treated, provided they are identified early, and referral is made to the appropriate treatment resource. We must all accept the responsibility to insure that any fellow employee with a problem affecting safety and work will have the opportunity for diagnosis and treatment.
2. Problems requiring assistance include alcoholism, other drug dependencies, marital and family distress, mental illness, emotional, financial, or legal problems.
3. Cherokee County considers the moral stigma associated with some problems, particularly alcoholism and other drug dependencies to be out of date and erroneous. Realistic acceptance by our county of these conditions as being treatable will help overcome this stigma and accelerate referral to diagnosis and treatment.
4. The EAP will assure employees that when such personal/medical problems are the cause of unsatisfactory/unsafe job performance they will receive an offer of assistance to help resolve such problems in an effective and confidential manner.
5. No employee will have their job security or promotional opportunities jeopardized by participating in the program.

APPENDIX C

6. Strict confidentiality of records is essential and will be maintained by EAP. The pertinent information and records of employees with personal/medical problems will be preserved in the same manner as all other medical records. The records will be protected to the fullest extent of the law, and will only be released when required by law.
7. Employees are encouraged to use the EAP voluntarily when they need professional help or guidance. An employee's first EAP appointment, if under supervisor referral or if under self-referral when the supervisor or County manager is aware of the appointment, will be subject to administrative leave for a maximum of two hours. All subsequent appointments will be on the employee's time. An EAP appointment will be a legitimate excused absence and may be charged to the employee's accrued sick or vacation time. All efforts should be made to schedule appointment after working hours. In no case will leave without pay be granted to cover an EAP appointment.
8. It is suggested that the employee cooperate in the designated treatment or rehabilitation plan when a supervisor makes a referral.
9. In the event that an employee is terminated while being assessed by the EAP, the EAP may see the employee for one last visit and make a referral to another agency for continued treatment.
10. Since employees can be affected by the problems of their spouse or other dependents, the program is available to the "immediate" family members of our employees as well.
11. For the purpose of this program/policy, "immediate family" will be defined as an employee's children, including step and adopted, and spouse.
12. Implementation of this policy will not require, or result in, any special regulation, privileges, or exemptions from the standard company practices applicable to job performance.

This policy will apply to all permanent County employees, full- and part-time, and will be available to those working in a probationary or trainee status. This policy does not apply to those employees in a temporary position

APPENDIX D

TECHNOLOGY AND INTERNET USE POLICY

I. Scope and Ownership

This policy applies to all Cherokee County technology systems (hardware, software, voice/data networks, user accounts, and associated processes/services) owned, leased, or otherwise operated by Cherokee County. The scope of the policy also includes all personnel who have access to Cherokee County systems (employed by the County or not).

Systems containing Cherokee County data which are hosted by third parties outside of the Cherokee County network, and the personnel with access to those systems are also subject to this policy.

Individual departments within the County may adopt additional information technology policies that are specific to their operations, provided that such requirements are consistent with this Policy and the department provides a copy of more specific departmental policies to the IT Director. In the event of inconsistency, the provisions of this Policy will prevail, unless the more specific policies are necessary to meet legal requirements governing certain types of information, in which case the more specific legal requirements and related policy will take precedence.

All technology resources defined in this section, along with all information transmitted by, received from, and stored upon said systems are considered to be possessed by, and/or the property of Cherokee County.

II. Policy Violation and Enforcement

When a policy violation occurs, aside from disciplinary actions specified under County policy, system access may be revoked in whole or in part if deemed to be in the interest of Cherokee County system security and/or availability.

Cherokee County shall have authority to interpret and apply these technology and internet use policies for Cherokee County employees. Cherokee County may modify or amend these policies at any time. Cherokee County shall provide notice of any such modifications or amendments. Cherokee County shall be responsible for notifying agencies/users of any modifications to this use policy. Any such modification shall be effective upon notification of all agencies/users.

Cherokee County will not tolerate any breach of these Technology and Internet Use Policies and shall exercise all remedies provided therein, including termination of use up to termination of employment. Termination of use requires appropriate notification by the Network Administrator and the termination of use should be at the lowest level necessary

APPENDIX D

to safeguard the Cherokee County network system and minimize disruption of business activities. Cherokee County may seek reimbursement for any costs incurred by us as a result any breach of these policies.

Violation of this policy by Cherokee County employees may result in disciplinary action up to and including dismissal in accordance with Cherokee County Personnel policies and Procedures.

Any exceptions to this policy must be approved by the Cherokee County Board of Commissioners.

III. Personal Use

Cherokee County systems are intended for business use. Any personal use must adhere to the following:

- must not violate applicable laws or regulations
- must not violate contractual agreements or intellectual property rights
- must not violate Cherokee County personnel policies
- must not incur security risks to the County
- must not incur any additional cost to the County
- must not interfere with work duties
- must not be used for personal gain
- must not be used for solicitation

IV. Monitoring and Privacy

Cherokee County Information Technology Department has the right to monitor, audit, and/or inspect any and all aspects of the County's electronic technology resources without advance notice to any users. Failure to monitor in any specific situation does not constitute a waiver of the County's right to monitor.

Personnel within the scope of this policy are advised that they have no privacy rights and that there is no reasonable expectation of privacy when using County systems.

A. Monitoring, Auditing, and Inspection Activities

At the written request of a department director for one of their respective employees, or upon authorization by the County Manager the Information Technology Director or designee has the authority to monitor and/or inspect any Cherokee County systems without notice to users.

APPENDIX D

For security, network, and computer systems maintenance purposes, authorized individuals within the Cherokee County's Information Technology Department may monitor equipment, systems, data and network traffic at any time.

For remote assistance help desk purposes, authorized individuals within the Cherokee County's Information Technology Department may connect through remote access software to equipment, systems, data and network traffic at any time.

B. Privacy Expectations and Ownership of Files

The County does not guarantee the confidentiality of user information stored on any network, computer, or communications device belonging to Cherokee County.

Cherokee County's users should be aware that the data they create on County technology or communications systems remains the property of Cherokee County and is not private (unless the data is protected by privacy or confidentiality laws). Files created for business purposed should be deleted only when their usefulness is obsolete and the age of the files has exceeded the retention age set for by the NC Records Retention Schedule for Local Governments (See Records Retention Policy).

Information that is stored on or transmitted to or from County systems may be subject to disclosure pursuant to the North Carolina Public Records Law.

V. Security

Cherokee County system security must be maintained at all times. Users must take all reasonable precautions, including but not limited to: safeguarding passwords, maintaining reasonable physical security around the Cherokee County equipment, and locking or logging off unattended workstations.

A user who is actively logged on to a Cherokee County system is responsible for any activity that occurs whether or not they are present.

A. Administrative Privileges

For security reasons, administrator-level network, server, and PC access, is limited to Information Technology support staff and/or their designees. Administrator privileges will not be extended to users in order for software to operate – software vendors are responsible for providing software that will operate without administrator privileges.

Adjustments to security on certain directories of the computer systems may be approved in certain instances at the written request of a department and acknowledgement of the Information Technology support staff. The goal is to accomplish the needs of the user while logging the install for reference while not compromising the integrity of the network.

APPENDIX D

B. Passwords and User System Access

Cherokee County Information Technology Department is responsible for creation, assignment, and deletion of all user accounts for Cherokee County systems. The level of access to the network, servers, applications, and personal computers will be administered by the Information Technology Department based upon the job tasks for the individual user as agreed upon with the department head.

Users are responsible for protecting their passwords and access to assigned accounts (network, systems, applications, etc.) at all times.

C. Physical Security

- Shared Cherokee County systems (network, servers, systems, etc.) will be physically secured by the Information Technology Department.
- Access to the server room, disaster recovery site, phone switches, and other key infrastructure is limited with access granted to authorized personnel only.
- Media, such as daily and monthly backups, will be stored in a secure area with access granted to authorized personnel only.
- Users are responsible for the physical security of assigned technology resources.
- To the degree possible, technology resources should be protected from theft and/or vandalism, fire and other natural environmental hazards.
- Laptops, cell phones, etc. in vehicles must be stored in a secure location or otherwise out of sight. They may never be left in a vehicle over night.
- Employees should exercise precautions to make sure that their computer hardware is not exposed to dangers related to their specific use, i.e. accidental beverage spills, improper ventilation of air intakes, etc.

D. Application Security Standards

All software applications which manage sensitive or confidential data, whether acquired from a third party or developed internally must adhere to the following security requirements:

- Must support authentication of individual users.
- Must not store or transmit user credentials in a clear text or easily reversible form.
- Must support application scope restriction based on user levels.
- Must support user tracking for critical transaction activity.

E. Third Party Access to Cherokee County Systems

No third party may be allowed access to Cherokee County systems without approval from the Information Technology Department.

APPENDIX D

F. Reporting Violations

Every department should have procedures in place to monitor compliance with the technology use policies within this document, and to report violations (both by "insiders" such as employees and contractors and "outsiders" such as unauthorized visitors, trespassers and hackers).

It is the responsibility of each technology user to remain diligent in the identification and reporting of technology policy violations. Staff should be aware of their environment and report any suspicious, abnormal or unnatural behavior or events to his or her supervisor and the Information Technology Department.

VI. Prohibited Use

All employees and users of Cherokee County's network resources are expected to use the Network and Internet responsibly and professionally and shall not make use of these resources in an illegal, malicious or obscene manner.

The following is a list of examples of prohibited uses. This is not intended to be a comprehensive and complete list. Other uses not listed here may be deemed as prohibited.

- Any use that violates federal, state, or local law or regulation is expressly prohibited.
- Knowingly or recklessly interfering with the normal operation of computers, peripherals, or networks is prohibited. This includes, but not limited to, the following:
- Installation of non-approved software applications such as WeatherApps, iTunes, Skype, Smiley Central, etc.
- All Internet traffic based on the following categories is prohibited.

  - Adult/Sexually Explicit
  - Gambling
  - Tasteless & Offensive
  - Proxies & Translators
  - Peer-to-Peer
  - Hacking
  - Phishing & Fraud
  - Online Gaming
  - Web Hosting
  - Alcohol & Tobacco
  - Intimate Apparel & Swimwear
  - Personals & Dating
  - Ringtones/ Mobile Downloads
  - Spam URLs
  - Intolerance & Hate
  - Illegal Drugs
  - Online Chat
  - Web-Based Downloads

- Connecting unauthorized equipment to the network for any purpose is prohibited unless approved by the Information Technology Department. (Digital Cameras, Webcams, Microphones, Personal Printers, etc.)
- Running or installing unauthorized software on Cherokee County computers is prohibited.

APPENDIX D

- Copying of any software from Cherokee County computers is prohibited.
- Using Cherokee County network to gain unauthorized access to any computer system is prohibited.
- The use of Cherokee County Systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, or other offensive or abusive material (including messages, images, video, or sound) is prohibited.
- The use of Cherokee County Systems in such a way as to stalk another or create an intimidating or hostile work environment is prohibited.
- Cherokee County Systems may not be used to solicit for personal gain or for the advancement of a political or religious belief.

VII. Remote Access

Remote access to Cherokee County systems (access to Cherokee County systems from external systems, e.g. via the Internet) consumes technology resources above and beyond those required for local access. The Information Technology Department will review written requests and grant remote access based upon business cases and resources available.

Remote access users are subject to all policies herein.

Additional security requirements may be established for remote access systems by the Information Technology Department.

VIII. Hardware/Software Standards, Procurement, and Installation

Cherokee County Information Technology Department has the sole responsibility for establishing standards, procuring, maintaining inventory, and installing technology required for County operations. Information Technology is also responsible for engaging and managing relationships with technology vendors.

Employees outside of Information Technology are prohibited from procuring, maintaining, and installing hardware or software for or on Cherokee County networks.

IX. Technology Support

Cherokee County Information Technology Department has sole responsibility for technical support to users for all Cherokee County systems. Unless Information Technology has specified otherwise for a particular system, users should always contact Information Technology for all technology-related needs through the help desk portal.

APPENDIX D

X. Electronic Messaging

Electronic messaging includes, but is not limited to email, instant messages, text messages, blog posts, forum posts, wiki posts, images and audio or video recordings. Electronic messaging may not be used in any way which violates County policy.

When sending or forwarding E-mail over the Cherokee County network or the Internet, Cherokee County users shall identify themselves clearly and accurately. Anonymous or pseudonymous posting is expressly forbidden, unless otherwise allowed by law to make anonymous postings. Sending email from any County email address that is illegal, malicious or obscene in nature will result in immediate employment termination.

Public employees, to the best of their ability, have responsibility to make sure that all public information disseminated via Cherokee County network and the Internet is accurate. Employees shall provide in association with such information the date at which it was current and electronic mail address allowing the recipient to contact the public staff responsible for making the information available in its current form

A. Social Networking

All social media is prohibited on Cherokee County systems unless approved by the County Manager for the purpose of supporting a business function.

B. Internal Broadcast Messages

Cherokee County employees may not send out broadcast (very wide reaching) messages within the County without County Management approval. Only broadcast messages that are County business related or matters of community interest are authorized.

C. Public Record and Retention

Electronic messages may be considered public record and as such are subject to public record retention rules. Refer to the Records Retention Policy in Cherokee County Personnel Policies and Procedures for a reference to the website that contains the schedule for Local Governments.

D. Spam, Phishing and other Internet hoaxes

Employees should remain alert at all times for attempts from outside sources to gain access to confidential information such as usernames, passwords and credit card information.

Employees should never click on a link in an email unless certain of the source. Many times emails will say they are from a known source, but if you check the email address from which it was sent, it will not match the email of the person from whom the email supposedly originated.

APPENDIX D

XI. County Internet Content

Public Internet content includes but is not limited to the main County public web site and all content therein, other County-owned web sites which lie outside of the main County web site.

Cherokee County public Internet content is the responsibility of Cherokee County Department Heads or their designee. The Web Master and his/her designee(s) may edit and approve web content before publishing it to the County's website.

The Web Master is responsible for establishing and publishing web site standards. All web site content must comply with the Cherokee County web site standards (design, layout, etc.) as approved by the Web Master.

The Web Master must review web application design and layout for adherence to standards before application publication. As web application content is dynamic in nature, review of said content by the web master is not required.

Each department is solely responsible for the accuracy of the content of their respective web site(s) and/or pages.

Links to other websites are restricted to local, state, or federal government sites. Links to non-profit organization sites who provide services directly to Cherokee County government must be approved by the Board of Commissioners. Links to personal websites are not allowed. Information on events will be limited to those directly sponsored by Cherokee County.

XII. Phones

Cherokee County provides its staff with telephones for conducting official County business. County phone use should be restricted to official County business purposes, except for emergency and important telephone communications, such as child care needs, medical appointments, and other critical communications. Reasonable, infrequent personal use of the County's telephone systems by employees is permitted, but should not interfere or conflict with official County business use.

Personal long distance telephone calls should not be made, except on an emergency basis. Charges for any personal long distance calls must be reimbursed to the County.

XIII. Cell Phones

It is the policy of Cherokee County to provide cellular telephones to employees for business use when use of such telephones will increase the level of service provided to the County's customers, increase the level of safety for the applicable County employee, reduce cost of providing services, and/or satisfy legal requirements.

APPENDIX D

County cell phone use should be restricted to official County business purposes, except for emergency and important telephone communications, such as child care needs, medical appointments, and other critical communications. Reasonable, infrequent personal use of County provided cell phones by employees is permitted, but should not interfere or conflict with official County business use.

Any downloads (music, games, etc.) or installation of non-business applications is prohibited on county smart phones. Any business related application that incurs an expense must first be approved by the department head. Installation of applications without prior approval is prohibited and any charges incurred will be the responsibility of the employee and must be reimbursed to the county.

XIV. Storage Media Recycling and Disposal

The purpose of this section is to ensure that all digital media is properly recycled or disposed of for reasons pertinent to data security, software license protection, and in compliance with environmental regulation.

If a hard disk, tape, CD, DVD, ZIP disk, diskette, or other storage device can be re-used, users should erase the existing data from the device and continue to use it, or make it available for someone else to use. If the digital media is unusable, or is no longer needed, it should be sent to the Information Technology Department for destruction.

XV. Surplus

The Cherokee County Information Technology Department has sole responsibility for disposition of surplus technology hardware and software. All unassigned, unallocated, or otherwise unneeded equipment or software must be returned to Information Technology.

XVI. Receiving Hardware or Software

Cherokee County departments may receive and utilize computer equipment from the private sector on an individual basis. Receipt of equipment requires approval from the Information Technology Department to ensure that the equipment meets County standards and will not interfere with current County systems.

XVII. Definitions

E-Mail: Electronic Mail: The capability to compose, address, and send messages electronically.

APPENDIX D

Phishing: The attempt to acquire sensitive information such as usernames, passwords and credit card details (and sometimes, indirectly, money) by masquerading as a trustworthy entity in an electronic communication.

Spam: Unsolicited bulk commercial electronic mail.

Spamming: The process of sending unsolicited bulk commercial electronic email.

Streaming sites: Those Internet sites providing information or data in a continuous "stream", such as but not limited to video, audio and "tickers" (news, weather, stock quotes, sports, etc.). Users who open connections to these types of sites and keep them open utilize a large amount of bandwidth and network performance can be degraded.

World Wide Web (WWW): The integrated world wide network of computers based on the hypertext transfer protocol (HTTP), and Transmission Control Protocol/Internet Protocol (TCP/IP), commonly used to bring information to computer users via a client browser program.