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# ARTICLE 1

## Organization of the Human Resources System

### Section 101 Purpose

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The purpose of this resolution is to establish a human resources system policy that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for rewarding meritorious employees and the removal of unsatisfactory employees. This resolution is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina to ensure compliance with applicable State and Federal labor standards.

### Section 102 Limitations

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This is not a contract of employment. Any individual may voluntarily leave upon proper notice and may be terminated by the County Manager at any time for any lawful reason. Any oral or written statement or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or current employee. The contents of this policy manual are subject to change at any time at the discretion of the Board of County Commissioners.

### Section 103 Coverage

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- A. Except as explicitly exempted, all employees in the County's service shall be subject to this policy. In addition, employees in all departments must comply with, and are protected by, applicable State and Federal laws.
- B. The following officials and employees are exempt with the exception of Article 5, Sections 502 and 507 and Article 7, Section 701:
  - 1. Elected officials.
  - 2. Employees of the Sheriff's Office;
  - 3. County Manager;

4. County Attorney; and
5. The Board of Commissioners, except as specifically designated. Article 7 Section 701 is at their own expense.

C. The following employees are covered only by the listed articles and sections:

1. Employees governed by the Human Resources Act shall be subject to all articles except Articles 2, 9 and 10.
2. Employees of the North Carolina Cooperative Extension Service shall be subject to all articles except Articles 2, 3, 4, and 7.
3. The Director of Elections shall be subject to all articles except Articles 2, 4, 5, 8, 9 and 10.
4. Employees of the Register of Deeds shall be subject to all articles except Article 9. Nothing in this policy shall be construed to supersede the exclusive right of the Register of Deeds to hire, discharge and supervise his/her employees in his/her respective department pursuant to G.S. 153A-103.
5. Temporary and part-time employees, as designated by the Board of Commissioners, shall be subject to all articles except Articles 6 and 7 or as otherwise provided by the Board of Commissioners.

## **Section 104 Definitions (listed alphabetically)**

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**Adverse Action.** An involuntary demotion, an involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff, or a dismissal.

**Anniversary Date.** The employee's original date of employment with the County service in a regular full-time position.

**Applicant.** A person who, meeting the basic minimum qualifications for an active position vacancy, submits a signed County application for that vacancy, which application shows specific job position sought and is otherwise complete.

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

**Authorizing Party.** An individual authorized by this policy to approve or disapprove requests for travel, cash advances, travel reimbursements, etc.

**Career Status.** Status achieved after 24 continuous months of service in one or more positions subject to the Human Resources Act. If an individual moves from

one covered agency to the next with no longer than thirty (30) days break in service the employee serves a six month probationary period. At the end of the probationary period, the employee's longevity for the previous agency counts toward total time served. This definition applies to employees in the Department of Social Services and Emergency Management.

**Class.** Positions or groups 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.

**Classified Employee.** Any County employee occupying a position that is subject to the Position Classification Plan.

**Compensatory Time.** One and one-half hours granted to non-exempt employees for each hour of overtime worked in lieu of overtime pay.

**Competitive Service Employee.** An employee of the Department of Social Services; or Office of Emergency Management receiving Federal grant-in-aid funds and subject to the Human Resources Act.

**Cost-of-Living Increase (COLA).** An annual adjustment that may be made by the Board of County Commissioners to all pay ranges.

**County Group Health Plan.** A County Group Health Plan is an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1002(1)]) to the extent that the plan provides medical care (as defined in paragraph (2) and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

**County Official.** One who acts in authority for the County.

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

**Employee's Official Base of Operation.** "Official base of operation" is defined as the job location at which the employee spends the majority of his or her working hours. For an employee in travel status, the official base of operation should be the point where traveling begins the majority of the time (home or office).

**Essential Public Safety Personnel.** Includes all employees in Emergency Medical Services, Communications, Law Enforcement, Sheriff Department.

**Exempt Employee.** An employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

**Expectation of Privacy.** Employees do not have an expectation or right to privacy with respect to any electronic correspondence, files, documents, images, created, stored, displayed, received or sent on the County's technology systems. The County reserves the right to review, monitor and inspect use of its technology resources without advance notice. In addition, offices, cabinets, personal belongings and other items may be searched provided there are reasonable grounds to suspect misconduct, criminal activity or other work-related reason.

**Full-Time Employee.** An employee, appointed to a permanently established position, who is regularly scheduled to work a normal work week, is paid on a salary basis, and is designated by the Board of Commissioners as full-time.

**General County Employee.** A County employee not subject to the Human Resources Act.

**Grievance.** A formal process that provides an adequate and fair means for hearing concerns regarding final written warnings and dismissals and charges of work place harassment, discrimination and/or retaliation of County employees.

**Hiring Rate.** The salary paid an employee when hired into County service, normally the first step of the salary range.

**Holiday.** A holiday is defined as beginning at midnight and continuing for twenty-four (24) hours until the following midnight.

**Immediate Family.** Includes spouse, parent, sibling, son, daughter, grandparent, grandchild. Step, half and in-law relationships as appropriate based on the above listing.

**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.

**Non-Classified Employee.** Any County employee occupying a position that is not subject to the position classification plan.

**Non-County Employees.** Non-County employees traveling on official business whose expenses are paid by the County are subject to these regulations, including subsistence allowances, to the same extent as County employees. Travel expenses for members of a non-employee's family are not eligible to be



paid by the County. No travel advances will be made to non-County employees except as otherwise authorized by the County Manager.

**Non-Exempt Employee.** An employee covered by the Fair Labor Standards Act minimum hourly wage rate and overtime provisions.

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

**Pay Period.** The pay period is bi-weekly and begins on Saturday and ends on a Friday.

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

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

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

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

**Probationary Employee.** An individual appointed to an established full-time or part-time position who has served less than six months in the position.

**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.

**Random testing.** 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.

**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.

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

**Regular Employee.** An employee who has completed six months of satisfactory County service and has been approved for an established full-time or an established part-time position by his or her Department Head with the approval, where applicable, of the County Manager.

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

**Regular Part-Time Position.** A position that has been approved by the Board of Commissioners, the duties and responsibilities of which can be performed in less than a regular work day and/or work week.

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

**Safety-sensitive positions.** A position will be designated safety sensitive only where the 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 momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

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

**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.

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

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

**Standard Job Rate.** Step 3 of an assigned salary range.

**Subsistence.** Reimbursement for lodging, meals and other expenses, including gratuities, while on official County business.

**Temporary Employee.** An individual appointed to serve in a position for a definite duration, but not to exceed twelve (12) months.

**Temporary EMT Pool.** A group of certified Emergency Medical Technicians available to serve at irregular intervals in temporary hourly assignments of the Emergency Medical Services Department.

**Temporary Position.** A position for which the duties and responsibilities are required to be met for a specific short period of time, normally not to exceed twelve (12) months or 1000 hours, and which may or may not require attendance by a person for a full work day and/or work week.

**Trainee.** An employee designated as such, appointed to a position in any class for which the County Manager or the Office of Human Resources has authorized "trainee" appointments due to unique specialized training required. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class, and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.

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

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

**Travel.** Going to and from the official base of operation to another location to conduct County business.

**Work Against Appointments.** When suitable qualified applicants are unavailable, the appointing authority may appoint an employee below the level of the regular classification in a work against situation. A work against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience.

## **Section 105 Merit Principle**

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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, genetic information, religion, sex,

national origin, political affiliation, non-disqualifying disability, age, sexual orientation or gender identity.

## **Section 106 Responsibility of the Board of Commissioners**

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

## **Section 107 Responsibility of the County Manager**

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The County Manager shall be responsible to the Board of Commissioners for the administration of the human resources program. The County Manager shall appoint, suspend, and remove all County officials and employees, except those elected by the people or those whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with G.S. 153A-82 and Articles 4, 5, 7, and 9 of this personnel resolution.

## **Section 108 Responsibility of the Human Resources Director**

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

# ARTICLE 2

## The Classification Plan

### **Section 201 Adoption**

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The position classification plan, as from time to time approved by the Board of Commissioners, is hereby adopted as the position classification plan for the County.

### **Section 202 Allocation of Positions**

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The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

### **Section 203 Administration of the Position Classification Plan**

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- A. The County Manager, or person(s) designated by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position.
- B. New positions shall be established upon recommendation of the County Manager with the approval of the Board of Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing classification plan or (2) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

- C. When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager with the approval of the Board of Commissioners may (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) amend the position classification plan to establish a new class to which the position may be allocated.

## **Section 204 Amendment of the Position Classification Plan**

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Classes of positions shall be added to and deleted from the position classification plan by the Board of Commissioners based on the recommendation of the County Manager.

## **Section 205 Location of the Position Classification Plan**

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The Position Classification Plan will be available at the following link for employee review:

<http://www.co.currituck.nc.us/employee-position-classification-plan.cfm>

# ARTICLE 3

## The Pay Plan

### **Section 301 Adoption**

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The salary schedule, reflecting both grade level and step, shall be approved annually by the Board of Commissioners.

### **Section 302 Maintenance of the Pay Plan**

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The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private and public sector in the area, to changes in the cost of living, to financial conditions of the County, and other factors. To this end, 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 Commissioners such changes in salary ranges as are warranted.

### **Section 303 Administration of the Pay Plan**

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

## **Section 304 Hiring Rate/Starting Salary**

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Employees will be hired at Step 1 of their assigned salary grade. Appointments above Step 1 may be made 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 hiring rate, or any other lawful, non-discriminatory reason. In addition, the County Manager may make appointments above Step 1 to individuals hired in certain classifications, such as those in Emergency Medical Services (EMS), Law Enforcement and Building Inspections, that hold applicable licenses, certifications, registrations and/or have other highly specialized training. Any appointment above the Standard Job Rate (Step 3) must be approved by the Board of Commissioners.

## **Section 305 Progression to the Standard Job Rate**

---

Upon completion of six months of satisfactory service, the employee will be elevated to Step 2 of the salary schedule. Upon satisfactory completion of six months at Step 2, the employee will be elevated to Standard Job Rate (Step 3) of the assigned salary range. If an employee was hired at a level higher than Step 1, such as in those situations as outlined in Section 304, then he or she will progress to the step that follows the hire rate, assuming he or she meets the other requirements for progression.

## **Section 306 Failure to Perform Satisfactorily**

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An employee who fails to perform satisfactorily, whether during the probationary period or during advancement from Step 1 to Step 2 or from Step 2 to Step 3 (the Standard Job Rate), will be denied the scheduled salary increase. Appropriate disciplinary action may be taken by the Department Head in accordance with Article 9 of this resolution. Employees who have advanced to the Standard Job Rate (Step 3) will be required to perform at a satisfactory level or be subject to disciplinary action.

## **Section 307 Delay of Performance Evaluation**

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An employee's absence from work due to sick leave, leave without pay, Workers' Compensation, or any other authorized leave is cause for the Department Head



to request an extension for the annual performance evaluation review, so as to allow adequate time for evaluation of performance.

## **Section 308 Longevity Pay Plan**

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The Longevity Pay Plan is a retention program to keep experienced employees in whom the County has made substantial investments in time and training.

After the successful completion of five successive years of permanent full-time or permanent part-time employment with the County of Currituck, an employee becomes eligible for longevity pay on the anniversary date of the 5<sup>th</sup> year of continuous employment. For clarification purposes, only permanent part-time employees that work a minimum of thirty or more hours per week are eligible for the longevity increase. The eligible employee will receive this percentage increase each year and the percentage will cumulatively increase every three year time period which is based upon the employee's date of hire.

Elected and appointed officials are not eligible to participate in the Longevity Pay Plan.

After 5 years of continuous full-time or continuous eligible part-time service the employee will be evaluated by the Department Head for consideration of a percentage increase based upon the employee's current grade/step. Leave-without-pay (LWOP) will alter an employee's eligibility date by the same period of time the employee was out on LWOP. An employee must have received satisfactory annual evaluations to receive recommendation for percentage increases. If an eligible employee is due for a longevity increase and receives a negative annual evaluation the supervisor will reevaluate and document the employee's performance on the next annual evaluation date. Provided the employee's work performance has been satisfactory during the reevaluation period the supervisor may recommend the longevity increase be received on this respective annual review date. The Department Head will submit the recommendation to the County Manager for final action.

The Longevity Pay Plan Table is listed below:

Years of Service	Percentage Added to Base Salary
5-7 years of service	4%
8-10 years of service	6%
11-13 years of service	8%
14-16 years of service	10%
17-19 years of service	12%
20-22 years of service	14%
23-25 years of service	16%

26-28 years of service	18%
29-31 years of service	20%

## **Section 309 Trainee Salaries**

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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 a pay rate of one (1) step below the minimum salary. Employees subject to the Human Resources Act will be designated "trainees" in accordance with rules and regulations established by the Office of Human Resources. 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 310 Pay Rates in Promotion, Demotion, Transfer, and Reclassification**

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

- A. When a promotion occurs, 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 or she is promoted. If an employee's current salary is already above the new minimum salary rate, his or her salary may be adjusted one step 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.
- B. If an employee is demoted for cause, the employee's salary will be reduced to any step in the salary range for the new position, as long as the reduced salary does not fall below the minimum salary rate of that range.
- C. When a transfer occurs from a position in one class to a position in another class, assigned to the same pay range, the employee shall continue to receive the same salary.
- D. When a position is reclassified at a higher salary grade, the employee's salary shall be adjusted to the standard job rate of the new grade or maintained at their current step if lower than the standard job rate. If the employee's current

salary is already above the standard job rate, his or her salary may be adjusted one step 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.

- E. When a position is reclassified to a lower grade the existing employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range and to the standard job rate.

## **Section 311 Pay Rates in Salary Range Revisions**

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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 that class shall be affected as follows:

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

## **Section 312 Pay for Part-Time Work**

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Compensation of any employee appointed for less than forty (40) hours a week shall be computed on an hourly basis.

## **Section 313 Overtime**

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- A. The County abides by all applicable sections of the Fair Labor Standards Act. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Currituck County who are non-exempt under the Fair Labor Standards Act.
- B. Employees are expected to work during all assigned periods exclusive of mealtimes. Employees are not to perform work during mealtimes or at any time that they are not scheduled to work, unless they receive approval from

their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work. Public safety emergency responders, i.e. Law Enforcement, Fire and EMS are expected to appropriately respond to all emergency calls for their service as defined by their department's policies and practices.

C. 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 hours for each hour of overtime worked. Department Heads should ensure compensatory time is used before accrued sick and vacation leave. In addition Department Heads may send employees with accrued comp time balances home when their departments are experiencing slower work periods. Non-exempt employees who do not work in law enforcement activities, emergency response activities, or seasonal activities, may accrue not more than 240 hours of compensatory time for overtime hours worked after April 15, 1986.

D. The following non-exempt employees will be paid as follows:

- Law Enforcement and Jail staff will be paid overtime at a rate of one and a half times their regular hourly rate for all hours exceeding 171 in a 28 day work period.
- EMS operations staff and the Communication staff will be paid overtime at a rate of one and a half times their regular hourly rate for all hours worked exceeding forty hours in a work week.
- Non-exempt employees who work in emergency response activities or seasonal activities will be paid overtime at a rate of one and a half times their regular hourly rate for all hours worked exceeding forty hours in a work week.

E. A Department Head may request to have employees working on special assignments paid for hours worked on these assignments above their standard work hours. Pay for special assignments must be approved by the County Manager. Pay for special assignments will also be subject to the overtime rates as stated above, depending on the employee class.

F. Non-exempt law enforcement employees will be paid at a rate of one and a half times their hourly rate for all ATV duty regardless of other hours worked.

G. Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the County.

## **Section 314 Payroll Deductions**

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Federal and State income taxes, Social Security tax, withholding for court-ordered child support payments (upon receipt of appropriate notices to withhold or by order of a court of competent jurisdiction), and retirement contributions shall be deducted as authorized by law and the Board of Commissioners. Local Government Credit Union deductions and County-authorized insurance coverage requested by the employee and not paid by the County may also be deducted upon written request of the employee. Payroll deductions to correct a clerical error in prior pay or to collect un-reconciled employee expenses may also be deducted from employee's pay. Any other payroll deduction must be approved by the Board of County Commissioners.

## **Section 315 Payroll Procedure**

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All employees shall be paid on a bi-weekly basis through direct deposit, with Friday as the designated payday. If the designated payday falls on either a County or Federal holiday, the payday will be the last County working day prior to the holiday. However, if January 1 falls on normally designated payday the following business day will be the designated payday.

## **Section 316 Effective Date of Salary Adjustments**

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Salary adjustments shall become effective the first full pay period following the salary adjustment.

# ARTICLE 4

## Recruitment and Selection

### **Section 401 Statement of Equal Employment Opportunity**

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It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunities, and to identify and attract the most qualified applicants for employment with the County. This policy is to be achieved by announcing all position vacancies, evaluating all applicants on the same criteria. Selection decisions are made without regard to race, color, genetic information, religion, sex, national origin, political affiliation, disability, age, sexual orientation and gender identity except where sex, physical requirements, or age are bona fide occupational qualifications for employment. This policy with respect to equal opportunity as to age shall be limited to individuals at least 40 years of age. The Equal Opportunity Employment Program shall be monitored continuously and evaluated on an annual basis.

### **Section 402 Recruitment - Responsibility of the Human Resources Director**

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The Human Resources Director is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts of the Human Resources Department and all County departments will be coordinated in a timely manner.

### **Section 403 Position Vacancy Announcements**

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Department Heads have the option of posting positions internally for a minimum of five (5) working days or they may choose to consider outside applicants concurrently with the internal announcement, in which case the position listing must be posted for a minimum of seven (7) working days at (1) the County Human Resources Office and (2) the local office of the Department of

Employment Security. Optional recruiting publicity shall be carried out through the media, as appropriate. Position vacancy announcements shall contain, at a minimum, (1) the title, grade, and location of the position; (2) the closing date of the announcement; (3) a summary of the duties of the position; (4) a summary of the basic qualifications requirements; (5) the procedures for making applications; and (6) a statement of equal employment opportunity.

## **Section 404 Application for Employment**

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The Currituck County Application shall be the standard application accepted for any and all position listings unless otherwise specified. Current County employees must complete an application to be considered for any position in which they have expressed an interest. Applications shall be accepted by the Human Resources Department.

## **Section 405 Applicant Tracking**

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- A. The Human Resources Department shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process, and the pool of applicants considered for each vacancy.
- B. The applicant pool data for each position shall include an alphabetized listing of all applicants and test scores, when applicable, for each position vacancy announcement. In addition, EEO-4 forms, providing data on race and sex of applicants, shall be maintained by the Human Resources Department. This information will be kept strictly confidential unless disclosure is required by law. If disclosure of this information is required by law, any personally identifiable information will be redacted to the fullest extent allowed by law.

## **Section 406 Qualification Standards**

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- A. All applicants considered for employment or promotion shall meet the qualification standards established by the class specifications relating to the position to which the appointment is being made.
- B. All appointments shall be made on the basis of qualifications, knowledge, skill and abilities.

- C. Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to make a selection. In this instance, the deficiencies may be eliminated through orientation and on-the-job training, and the employee is designated a trainee by the County Manager (County General Positions) or the Office of Human Resources (all positions subject to the Human Resources Act).
- D. When qualified applicants are unavailable and there is no trainee provision for the vacant classification, an appointment may be made below the level of the regular classification in a work-against appointment allowing the appointee an opportunity to gain the qualifications needed for the full class through on-the-job-experience. The work-against appointment is available for competitive service employees only. The appointee must meet the minimum education and experience standard of the class to which the appointee was initially appointed.

## **Section 407 Selection**

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Department Heads shall develop, use, and document, on a consistent, routine basis, a selection process that best suits the County's needs in filling positions within each individual agency or department. All selection methods developed and utilized by the Department Head shall be valid measures of job performance and shall be applied consistently to all similarly situated candidates.

## **Section 408 Appointments**

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- A. Before any applicant begins work, the Department Head shall meet with the Human Resources Director to discuss the appointment. The Personnel Action Form, the original application for employment, test score sheets (when applicable), and any additional supporting documents, including the State PD-100 (positions subject to the Human Resources Act), shall be reviewed by the Human Resources Director.
- B. All new employees who will be assigned work entailing the operating of a County vehicle must hold a valid Driver's License with the State of residence. If the duties of the position include operation of County-owned or County-insured vehicles, the Human Resources Director will conduct a review of the driving record of the person to be hired. An applicant having more than two moving violations within three years of the job posting date on his/her motor vehicle record is not eligible for employment with the County. An applicant convicted of DUI in the past five years will not be eligible for County



employment involving the operation of County-owned or County-insured vehicles.

- C. The Register of Deeds shall have authority over appointments in his/her department, with the County Manager determining the class and salary of new employees.
- D. The Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

## **Section 409 Probationary Period of Employment**

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An employee appointed to a regular position shall serve a probationary period of six (6) months. The initial probationary period may be extended up to six (6) months. No employee shall remain on probation for more than one (1) year, without the approval of the Board of County Commissioners. Any employee serving a probationary period following initial appointment may be dismissed by the County Manager at any time during the probationary period. Following successful completion of the probationary period, the employee may only be dismissed as provided in Article 9.

## **Section 410 Promotion**

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Candidates for promotion shall be chosen on the basis of their qualifications, knowledge, skills and abilities. If an employee is chosen for promotion, the Department Head shall forward the request to the County Manager with recommendations for classification and salary along with reasons for selecting the employee over other applicants. After considering the Department Head's recommendations, the County Manager shall confirm or reject the appointment and, if appointed, determine the starting salary for the employee.

## **Section 411 Demotion**

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- A. 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 Article 9. The employee shall be provided with written notice citing the recommended effective date of the demotion and the reasons for the demotion as stated in Article 9 of this ordinance.

- B. An employee may request a voluntary demotion by applying in writing to the Department Head(s). This voluntary demotion requires approval by the County Manager. A voluntary demotion is not a disciplinary action and is made without using the procedures in Article 9 of this ordinance.

## **Section 412 Transfer**

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- A. If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, an application must be submitted in accordance with the application procedure specified in the vacancy announcement. The request for transfer shall be subject to approval of the County Manager. Any employee transferred without his or her having requested it may appeal the action in accordance with the problem resolution procedures in Article 10.
- B. Upon transfer, a second probationary period is served by the employee, as new duties and responsibilities must be learned. Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period. This subsection does not apply to Human Resources Act employees.

# ARTICLE 5

## CONDITIONS OF EMPLOYMENT

### **Section 501 Work Week**

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The standard work week for all employees of the various departments of the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Exempt employees shall work those hours necessary to ensure the satisfactory performance of their departments, but generally not less than forty (40) hours per week. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

### **Section 502 Gifts and Favors**

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- A. No official or employee of the County shall accept any gifts exceeding nominal value, which is defined as anything worth more than \$25.00, whether in the form of a service, loan, thing, or promise from any person, firm, or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County or that may tend to influence that employee in the discharge of duties.
- B. No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.
- C. No official or employee shall grant any improper favor, service, or thing of value in the discharge of duties.
- D. Gratuities shall be refused by all County officials and employees.

## **Section 503 Political Activity Restricted**

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- A. Every employee of Currituck 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 or policies of civic or political organizations in accordance with the constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America. However, while on duty, no employee of Currituck County shall:
1. Engage in any political or partisan activity;
  2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
  3. Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
  4. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
  5. Use funds, supplies, or equipment of the County for political or partisan purposes;
- B. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.
- C. Any violation of this section may subject the employee to dismissal or other disciplinary action.

## **Section 504 Unlawful Workplace Harassment**

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- A. Purpose of Policy: The purpose of this policy is to prohibit any form of unlawful workplace harassment of employees, and to attempt to ensure that County work sites are free of unlawful workplace harassment. This policy also prohibits retaliation against employees who file grievances, make complaints, act as witnesses to unlawful workplace harassment, and provide evidence in relation to harassment complaints. Retaliation is adverse treatment which occurs because of an employee's opposition to unlawful workplace harassment.

All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. The desired standard of employee behavior is one of cooperation and respect for each other despite any differences.

All employees, including appointed and elected full-time and part-time employees and temporary and seasonal employees are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related settings outside the workplace, such as during business trips, business meetings and business-related social events.

- B. Definitions of Unlawful Workplace Harassment: For the purposes of this policy, "unlawful workplace harassment" is defined as unsolicited and unwelcome speech or conduct based upon race, sex, creed, religion, sexual orientation, gender identity, genetic information, national origin, age, color, or disability.

Conduct that violates this policy includes verbal, nonverbal, or physical behaviors that a reasonable person would find hostile or abusive and one that the person, who is the object of the harassment, perceives to be hostile or abusive. In determining whether speech or behavior violates this policy the County will look at all circumstances or incidents, including frequency of alleged harassing behavior, severity, and whether it unreasonably interferes with an employee's performance or adversely affects the employee's employment opportunities.

Sexual harassment in violation of this policy consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature. It includes, but is not limited to situations where:

The employee is told or threatened, expressed or implied, that submission to the conduct will influence any personnel decision (employment, wages, advancement, assigned duties, shifts, or any other condition of employment or career development); or

The conduct may unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive working environment.

Some types of prohibited sexual harassment include, but are not limited to:

1. Verbal propositions or innuendos; lewd or sexually offensive comments; humor, jokes or teasing about sex or gender – specific traits; rumors about other employees, verbal abuse, and insults;

2. Nonverbal sexually oriented gestures, signs, cartoons, pictures, cards, books, magazines, graffiti, or paraphernalia; whistling; email, internet, or other computer transmissions;
3. Physical behaviors, specifically any unwelcome touching, such as rubbing, patting, pinching, or brushing the body.

Some other types of prohibited activities related to unlawful workplace harassment include, but are not limited to:

1. Pictures or graphics that are derogatory to an ethnic or religious group. Displaying racially insensitive pictures.
2. Making rude and offensive remarks because of an individual's disability or making the victim feel intimidated or isolated because of a disability.
3. Using demeaning or inappropriate terms or epithets. Telling off-color jokes concerning race, sex disability or other protected bases.

- C. Role of Department Heads and Supervisors: Department Heads and supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy; recognize incidents of workplace harassment; they must take immediate corrective action to stop such behavior when they become aware of it; and notify Human Resources.

Any supervisor who observes, is confronted with, or becomes aware of situation involving workplace harassment must report the situation immediately to the Human Resources Director.

The Human Resources Director is responsible for investigating the grievance in accordance with Article 10 Problem Resolution and Grievance Procedure. Disciplinary action, up to and including termination, may result against supervisors and managers who fail to respond immediately and appropriately to perceived workplace harassment in violation of this policy.

- D. Grievance Procedure for Workplace Harassment: Any employee who feels he/she is being subjected to workplace harassment is encouraged to report workplace harassment to anyone with whom they feel the most comfortable, provided that it is a member of County management (supervisor or higher). This procedure does not require reports to be made to the Department Head or to anyone else the employee believes to be participating in. The Department Head or Human Resources Director will prepare a written statement documenting the complaint. Complaints of workplace harassment will be kept as confidential as possible while the matter is thoroughly investigated and promptly dealt with as appropriate. Under no circumstances

will the investigation be conducted by or under the direction of the person(s) reported to have engaged in the workplace harassment.

The employee who is accused of workplace harassment may be placed on investigation leave while fact-finding is conducted. A finding of facts regarding the complaint will be completed as confidentially as possible, and a written report shall be completed by the designee in accordance with Article 10 Problem Resolution and Grievance Procedure. The investigator will determine whether the conduct constitutes workplace harassment in violation of this policy. In making that determination, the investigator will review the report as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person accused of workplace harassment.

If it is determined that the complaint of workplace harassment is founded, immediate and appropriate disciplinary action shall be taken consistent with the circumstances. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors deemed appropriate.

Retaliation against employees or job applicants who report, or file complaints or charges due to perceived workplace harassment, or who participate in investigations or proceedings as witnesses, or in other capacities is prohibited and will not be tolerated and should be reported immediately according to the reporting procedure outlined in Article 10 Problem Resolution and Grievance Procedure.

- E. Workplace Harassment by Non-Employees: When reports of workplace harassment against an employee in the workplace involve a non-employee, the County will support appropriate steps to address the workplace harassment or to remove the complaining employee from exposure to the non-employee.

## **Section 505 Outside Employment**

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The work of the County takes priority over other employment interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported to the employee's Department Head before such work is to begin. Advance written approval must be obtained from the County Manager before engaging in the outside employment. The request for approval shall contain the hours, dates, place and nature of employment. 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. No employee shall engage in outside employment during regularly scheduled work hours or when considered on duty.

## **Section 506 Limitation on Employment of Relatives**

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- A. No two members of an immediate family as defined in Article 1 Section 104 shall be employed within the same department if such employment will result in one supervising a member of his or her immediate family, or where one member occupies a position that has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.
- B. The term "immediate family" means an employee's spouse, parent, sibling guardian, son, daughter, 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.
- C. 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 Subsection A, above, prior to the adoption of this policy.
- D. The Board of Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin.

## **Section 507 Use and Operation of County-Owned Vehicles**

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- A. General
  - 1. All employees shall observe both the letter and spirit of the laws of North Carolina and Currituck County in the operation and use of County owned vehicles. A portion of G.S. 14-247 is quoted and hereby reiterated as follows: "It shall be unlawful for any officer, agent, or employee of the State of North Carolina, or of any county, or of any institution or agency of the State to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State."
  - 2. All employees shall operate County owned vehicles in a manner which will reflect credit on themselves, their Department and the County of Currituck.



3. County owned vehicles should be pooled to the extent possible. This is particularly applicable in administrative offices and for supervisory personnel.
4. Hitchhikers shall not be permitted to ride in County owned vehicles. Spouses or children of employees of the County of Currituck may accompany them in County owned vehicles, **if ample space is available and all travel is strictly for official County business.** Individuals who are not employees of the County of Currituck may accompany the employee in a County owned vehicle when they have a business interest in the travel.
5. The County Manager or his designee may authorize deviations from these Policy Statements during actual emergency periods, or during alert or standby for exceptional conditions when they deem it to be in the public interest and necessary for the protection of life and property.
6. All persons driving or being transported in a County owned vehicle shall utilize safety belts when same are provided on the vehicle in use.
7. Employees on assigned travel status in the performance of official duties may prudently use a County owned vehicle for travel to obtain meals or breaks but not for private purposes.
8. Multiple usage of vehicles is required where assigned duties will permit and permanent individual assignments of vehicles will be held to a minimum.
9. All persons driving county vehicles or personal vehicles for official County business must consent to DMV records check. Records shall be obtained prior to operating a county vehicle and may be checked periodically in the future.
10. All accidents while operating county-owned vehicle or on official county business in a private vehicle must be reported to the supervisor immediately.
11. Employees shall immediately notify Human Resources upon conviction of a violation while operating a motor vehicle.
12. Disciplinary action will be taken for improper use and operation of County-owned vehicles.

Private use of a County-owned vehicle is in violation of the General Statutes. Disciplinary action will be taken for such use. This action may include dismissal. Private use includes use during breaks or driving to obtain meals when not on County business.

Flagrant misuses of County owned vehicles will be considered cause for immediate dismissal.

In considering allegations of misuse of County owned vehicles, the party making the allegations should be required to give specific data in order that a complete and proper investigation might be made. It is the intent of the County to take action on the basis of fact and not on the basis of unfounded accusation.

13. Any employee involved in a vehicle accident will also be required to submit to drug and/or alcohol screening in accordance with Article 8, Section 802.D. Post-accident testing is to be done within 12 hours. Further, an individual driving a County vehicle involved in an accident that involves another person may be required to have a drug test within twelve hours.

#### B. Assignment and Commuting

1. For purposes of this policy, passenger motor vehicles are considered to be all County-owned vehicles.
2. Individual Assignment of Passenger Motor Vehicles.

Vehicles may be individually assigned to employees when it has been determined the vehicle is routinely necessary in order for employees to carry out their job responsibilities. Assignments must be approved by the County Manager or his designee.

3. Commuting with Individually Assigned Passenger Motor Vehicle: Employees with individually assigned vehicles may routinely drive the vehicle to and from their home when one or more of the following conditions exist:
  - a. Employee's home is their official base of operation, or
  - b. Employee is subject to 24-hour emergency call, or
  - c. Employee is subject to work abnormal hours and on week-ends on County business.
  - d. Assignments must be approved by the County Manager or his designee.
  - e. The Internal Revenue Service special valuation rules for employee transportation benefits will apply to individuals authorized to commute from home to work in a County vehicle.

#### 4. Departmental Assigned Passenger Motor Vehicles

- a. Vehicles may be assigned to Departments when vehicles are necessary to carry out the functions of the Department, and are approved by the County Manager or his designee.
- b. Departmental assigned passenger motor vehicles may not be driven to an employee's home or used during non-working hours unless one or more of the following conditions are met:
  - 1) County approved business requires an authorized trip by vehicle the following workday, the employee's residence is closer to the destination than is the regular work station, and the employee does not have to return to his/her work station prior to beginning trip.
  - 2) Employee needs the use of the vehicle after completion of the regular workday to conduct County business on the same day or before their usual working hours on the next workday.

#### 5. Vehicles Other Than Passenger Motor Vehicles

When it is considered to be in the best public interest, these vehicles may be either temporarily or permanently assigned to individuals with the authority to drive the vehicles to and from home. These assignments must be approved in writing by the County Manager.

#### C. Maintenance

1. All County vehicles shall be serviced in accordance with Manufacturer's Manual specifications. Arrangements to be made by assigned driver and Department Head. Inside/outside of vehicle is to be maintained and kept clean by employee or by standards set by Department Head.
2. All major repairs or replacements to assigned vehicles are to be reported to Department Head, a purchase order is to be obtained by Department Head and repairs or replacements are to be executed by employee according to instructions from Department Head or his designee.
3. Vehicles are to be checked and winterized by assigned employees at a time designated by Department Head.
4. No repairs, minor or major, are to be made without prior authorization of Department Head.

## **Section 508 Travel Expense and Reimbursement**

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### A. Purpose

It is the intent of this section to provide the necessary rules and regulations for a comprehensive reference and uniform interpretation of payment or reimbursement of travel and subsistence expenses pertaining to official County business.

All board members, employees and non-County employees on official County business are subject to this policy.

### B. Board Member and Employee Responsibility

A board member or employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Board members and employees will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Willful violations of this policy may result in dismissal from County employment or other disciplinary action.

### C. Authorization and Accommodations

1. A written request for travel must describe the travel requested, the purpose of the proposed travel and the period of time away from the County. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party. For all in-state travel, other than travel by the County Manager and elected officials, the Department Head is hereby considered the authorizing party. The County Manager shall authorize all out-of-state travel. The County Manager shall approve all travel for Department Heads. The Finance Director will review all travel expenses of the County Manager and elected officials and any expenses not in keeping with this Article will be submitted to the Chairman of the Board of Commissioners for disposition.
2. All arrangements for travel must be approved by the authorizing party. All travel costs except airline tickets, fuel, lodging and registrations will be paid directly by the requesting party and will not be billed to the County, except by those persons authorized to use a County credit or purchasing cards. In many cases, it is customary for airline tickets, lodging and registrations to be paid directly by the County either in advance or to be invoiced later. The requesting party is encouraged to use travel agents and reserve transportation and lodging in advance when possible. The

requesting party also is encouraged to travel with other employees and officials of the County and representatives of other government units when possible. The requesting party will be reimbursed for cost incurred only, subject to limitations established in this Article.

D. The County will follow specific guidelines relating to transportation, subsistence, and other costs as provided by the current IRS guidelines.

E. Authorization for Reimbursement Procedures

1. Travel advances will be issued at the discretion of the Finance Director. The amount of the travel advance may not exceed the estimated travel cost. Unused travel advances shall be repaid no later than seven working days after completion of the approved travel. The Finance Director will not issue a travel advance unless the authorizing party has approved the travel.

2. Submitting expense reports -

a. A requesting party will complete a reimbursement form, attach receipts and submit it to the authorizing party no later than five working days after returning from travel. The authorizing party must submit the reimbursement form to the Finance Director by the fifth of the month following travel. Travel expense forms submitted after July 31<sup>st</sup> for prior budget year may be denied. Advances will be deducted from reimbursable costs.

b. A requesting party submitting a falsified reimbursement form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Director who approves a falsified reimbursement form that they know to be false will be subject to disciplinary action or criminal prosecution. Violations of the County's travel policy may result in dismissal from County employment.

3. Approval and processing of reimbursement requests

a. Reimbursement requests will be submitted to the authorizing party for approval. After approval by the authorizing party, the form should be forwarded to the County Finance Director.

b. The Finance Director will determine that the reimbursement form has been properly approved, that it is mathematically correct, and that requested reimbursements agree to submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

- c. Before the reimbursement is made, the Finance Director will determine that an amount sufficient to pay the request has been encumbered for payment, or that there is a sufficient unexpended appropriation in the expenditure item. The Finance Director will immediately inform the authorizing party and requesting party if payment cannot be made.

## **Section 509      Status of Non-Exempt Employee While Traveling (FLSA)**

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Participation in official out-of-town business meetings, authorized training courses and authorized professional conferences is time worked for the purpose of computing wages for employees subject to overtime. Travel time for overnight trips is always compensable whenever work is actually performed during that time. Driving is considered "work".

Travel time to an overnight trip in which the employee is a passenger is compensable when it cuts across the employee's normal hours of work, even if the travel occurs on a day that the employee does not normally work. (For example, an employee's regular schedule is 8a.m. to 5p.m., Monday through Friday. The employee has to fly to New York on Sunday for a work-related conference that begins on Monday, and the flight departs at 10a.m. and arrives in New York at 2p.m. The employee's travel time would be compensable.)

On the other hand, if the passenger travel occurs outside the employee's normal hours of work, the time is not compensable even if it occurs on a work day. Using the same schedule as an example, if the employee flew to New York at 8p.m. Friday and arrived at 11p.m. Friday, the time would not be compensable unless the employee performed work while on the trip. In that case, the compensable time would be the time that the employee was actually working and would not include time spent watching movies, reading novels or in-flight magazines, or napping.

## **Section 510      Use of Technology Resources and Social Media**

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- A. Technology Resources: Technology resources belonging to the County including, but not limited to pagers, radios, all computer systems, e-mail systems, network resources and internet services are owned by the County and are in place to enable the County to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Employees do not have an expectation or right to privacy with respect to any electronic correspondence, files, documents, images, created, stored, displayed, received or sent on the County's technology systems. The County reserves

the right to review, monitor and inspect use of its technology resources without advance notice. The County has in effect an appropriate use policy covering the use of these resources: all employees are responsible for abiding by its contents.

- B. Social Media: Currituck County endorses the secure use of social media to enhance communication, collaboration and information exchange; streamline processes; and foster productivity. This policy establishes this County's position on the utility and management of social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media; rather social medial in general, as advances in technology will occur and new tools will emerge.

Social medial provides a new and potentially valuable means of assisting the County and its personnel in meeting community outreach, problem-solving, investigative, crime prevention and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The County also recognizes the role that these tools play in the personal lives of some County personnel. The personal use of social media can have bearing on County personnel in their official capacity.

1. Definitions:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for "Weblog."

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo-and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeable with social media.

Wiki: Web page(s) that can be edited collaboratively

2. On the Job use: County-Sanctioned Presence and County Media Sites. All procedures are outlined at the following link:

<http://cits-sharepoint/Policies%20%20Procedures/Forms/AllItems.aspx>.

- a. County Use (Official):

Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Agency's presence on the website.

Where possible, the page(s) should link to the County's official website.

Social media page(s) shall be designed for the target audience(s).

- b. Procedures for County Social Media Sites:

All County social media sites or pages shall be administered within each individual department or as otherwise determined.

Where possible, social media pages shall clearly indicate they are maintained by the County and shall have County contact information prominently displayed.

Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.

All privacy settings should be set to public.

Content is subject to public records laws. Relevant records retention schedules apply to social media content.

Content must be managed, stored, and retrieved to comply with open records laws and discovery laws and policies.



Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the County.

Pages shall clearly indicate that posted comments will be monitored and that the County reserves the right to remove obscenities, “off topic” comments and personal attacks.

Representatives of the County communicate via the website. Consequently, a communication via this site (whether by a government employee or the general public) may be subject to monitoring and disclosure to third parties.

c. On the Job Use – County-sanctioned use

County employees shall identify and conduct themselves at all times as representatives of the County and accordingly, shall adhere to all County standards of conduct and observe conventionally accepted protocols and proper decorum.

County employees shall not make statements about the guilt or innocence of any suspect or arrestee or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to County training, activities, or work related assignments without express written permission. Adherence shall be giving to Health Insurance Portability and Accountability Act (HIPAA) guidelines as it relates to confidentiality.

Political activities or private business is prohibited.

Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

3. Personal Use

Precautions and Prohibitions under County policy:

Publishing or posting false information, that harms the reputation of another person, group or organization (defamation);

Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not legitimate public concern and would be offensive to a reasonable person;

Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or

Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

County personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected. Be aware that anything posted on the internet is not considered a private communication.

County personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the County at any time without prior notice.

Participation in social media on behalf of the County is not a right and it therefore needs to be taken seriously and with respect. Employees who fail to comply with these policies are subject to disciplinary action, including dismissal.

## **Section 511 Dress Code**

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- A. General Policy: Currituck County employees are expected to present a professional image and be identifiable as County employees at all times while at work. For this reason, identification badges are required to be worn so that they are easily seen, and clothing, footwear and overall appearance must be appropriate and safe for the environment, work duties and work location for the day. Departments may have additional standards based on the business needs, environment and nature of work.

Any staff member who does not meet the dress standards will be required to follow corrective action, such as leaving the premises to change clothing. Any time missed because of failure to comply with directives and policy will be charged to accrued compensatory time or vacation leave. If compensatory time or vacation leave are not available, then the leave will be without pay. Supervisors are charged with setting the example for professional appearance in the work place. In addition, supervisors are responsible for the enforcement of County and/or department dress standards.

- B. General Standards

Be conservative and modest when selecting work attire. Look like you are coming to work.

If there is doubt as to whether a piece of clothing or outfit is appropriate, do not wear it in the workplace.

Modesty is to be preserved when bending over, stooping and sitting.

Footwear should be selected according to the type of work performed, keeping safety, comfort, and professional appearance in mind.

Body hygiene and grooming is required so that offensive body odor and/or appearances are avoided and a professional image is maintained.

Hair should be neat, clean and dry. Nails should be clean and well-groomed; avoid extremes of nail length and polish color.

If County or department logo shirts are worn, they must comply with the Currituck County Logo Usage Policy. Logos that are job-related and support State or professional associations are permitted. Sports team logos should not be worn except for special days.

- C. Categories of Attire: Six categories of attire have been identified, each of which are appropriate under certain circumstances.

**Business Attire** is appropriate when conducting business with elected officials and the public in a formal business setting. (Example: Board of Commissioners regular meeting, court, professional speaking engagements).

**Business Casual Attire** is appropriate when conducting everyday business with the public in an office setting.

**Casual Attire** is appropriate on designated casual days and special event work days.

**Non-Climate Controlled Environments Attire** is appropriate when employees spend the majority of their workday in non-climate controlled environments such as outdoors, open buildings or buildings/spaces in the building without heat or air conditioning.

**Uniform Attire** is appropriate if uniforms or special dress are provided and required. Employees in departments that have County-provided uniforms should wear those uniforms at all times, unless there is a special event that requires other clothing to be worn. Employees must wear them in accordance with department uniform guidelines.

**On-Call/Emergency Call Back Attire** will be at the discretion of the Department Head depending on the work environment.

The Chart below lists examples for staffs' guidance:

<p>These examples and lists are provided for guidance and are not intended to be all-inclusive.</p>	
<p><b><u>Business Attire</u></b></p>	<ul style="list-style-type: none"> <li>• Dress pants, slacks, suits, skirts, businesslike dresses, dress separates.</li> <li>• Men must wear a tie with shirt tucked in.</li> <li>• Footwear should be appropriate to attire; hosiery/socks are not required for women.</li> </ul>
<p><b><u>Business Casual Attire</u></b></p>	<ul style="list-style-type: none"> <li>• Dress pants/skirts/dress capris/dresses with or without hosiery or socks.</li> <li>• Slacks or trousers with or without hosiery or socks.</li> <li>• Collared shirts, sweaters and mock turtlenecks for men.</li> </ul>
<p><b><u>Casual Attire</u></b></p>	<ul style="list-style-type: none"> <li>• Non-blue denim jeans.</li> <li>• Leggings and tights covered by appropriate finger-tip length dress or tunic.</li> <li>• Athletic and tennis shoes.</li> <li>• Non-collared shirts. Approved logos only.</li> <li>• Sleeveless shells or tops with at least two-inch wide straps that cover undergarments at all times.</li> </ul>
<p><b><u>Non-Climate Controlled Environments</u></b></p>	<ul style="list-style-type: none"> <li>• Non-blue jean pants, including work or cargo style.</li> <li>• Collared or non-collared shirts, approved logos only.</li> <li>• Hats are permitted if required as personal protective equipment. Solid colors, approved logos only.</li> <li>• Safety shoes and other personal protective equipment are required to be worn in accordance with safety guidelines.</li> <li>• Outdoor jackets and coats are permitted. Items that display small manufacturer logos or which are plain are acceptable.</li> </ul>

#### D. Unacceptable Clothing/Appearances for the Workplace.

- Torn, frayed or patched clothing.
- Strapless or spaghetti strap dresses, camisoles, halter, tank or tube tops or muscle shirts worn alone without covering.
- Shorts, unless approved for a specific event or job, skorts, mini-skirts, leggings as pants, form-fitting pants.
- Sweat suits or sweat pants, warm-up suits, overalls.
- Hats or other head coverings unless required for non-climate controlled work, religious or medical reasons.
- Spike-heeled or platform shoes or casual or foam rubber flip-flops.
- Unnatural hair color (for example: pink, blue, green).
- Revealing clothing that exposes excessive amounts of skin including; back, chest, cleavage, stomach, undergarments or leg.
- Clothing with words, terms or pictures that advertise anything other than approved logos (County shirts/uniforms) or display small manufacturer logos.
- Perfumes, colognes, and body sprays that are considered offensive to others.
- Attire that looks like club, cocktail, party or picnic attire.
- Clothing that is too tight or too baggy.
- Body piercings which interfere with speech or could be distracting or offensive to customers, and/or offensive in the judgment of Department Heads; ear gauges.
- Tattoos which could be distracting or offensive to customers, and/or offensive to Department Heads, shall be covered by clothing or make-up while working. Tattoos obtained after hire should be inconspicuous.
- Denim blue jeans unless part of a work uniform.

Currituck County will reasonably accommodate a staff member's religious beliefs or medical needs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs or medical needs in terms of attire may sometimes be difficult in light

of issues of safety and/or business needs. Medical accommodations requests must include medical documentation from a physician. For assistance in determining if a request may be reasonably accommodated management should contact Human Resources. All changes and amendments made to the Dress Policy must be approved by the County Manager.

## **Section 512 Driver's License**

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Any employee performing work which requires the operation of a County vehicle must notify his/her Department Head in those cases where his/her license is expired, suspended or revoked. If an employee fails to report such an instance, he/she is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her Department Head and continues to operate a County vehicle shall be subject to termination.

Any judicial proceeding which results in a revocation, suspension, or limitation on an employee's driver's license shall be cause for immediate termination of the employee's employment, provided that the County Manager may consider the viability of a transfer to another position within the County which does not require the operation of a motor vehicle in conducting County business. However, the County Manager is not required to make such a transfer and shall retain the right of termination or any lesser disciplinary action. In any event, operation of a motor vehicle which results in a judicial proceeding involving revocation, suspension, or limitation on an employee's driver's license shall immediately terminate an employee's right to operate a motor vehicle in the conduct of County business.

An employee performing work which requires the operation of a County vehicle, who has accumulated:

- four motor driving record points, shall be subject to successfully complete at his/her expense a defensive driving course.
- six motor driving record points, shall be subject to review of his/her driving skills and disciplinary recommendation by the County Manager.
- eight motor driving record points, shall be subject to termination or transfer to a position that does not require the operation of a motor vehicle, in the discretion of the County Manager.

## **Section 513 Credentials**

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By statute and rule certain duties assigned to positions may be performed only by staff members who are licensed, certified and/or registered. Certain positions, such as those in Communications, Inspections, Emergency Medical Services and Sheriff's Department, require specific licenses, certifications and/or registrations.

Copies of the appropriate license, certification or registration must be received by the Human Resources Department within thirty days of issuance. Employees will not receive retroactive pay for copies of licenses, certifications or registrations received by the Human Resources Department after this thirty day time period.

Employees in these respective positions are responsible for obtaining and maintaining the appropriate credentials. Failure to obtain or maintain the legally required credentials may result in immediate dismissal without prior warning, in accordance with procedures for dismissal for unacceptable personal conduct.

## **Section 514 Use of Personal Cell Phone and Mobile Devices**

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During work hours employees are expected to exercise the same discretion in using personal cell phones and mobile devices as they use with County-issued phones. Excessive personal calls during the workday can interfere with productivity and may be disruptive and distracting to others. Currituck County encourages a reasonable standard which requires employees to restrict personal calls and texting during work time. Employees should use personal cell phones and other mobile devices only during scheduled breaks, lunch periods and other designated non-work periods. Flexibility will be provided in circumstances demanding immediate attention such as in emergency situations. As a courtesy to other staff members, employees should set their phones to vibrate mode if the immediate supervisor and/or Department Head has given permission for the cell phone to be turned on during work hours.

Currituck County will not be held liable for lost or stolen personal cell phones brought into the workplace.

## ARTICLE 6

### Holidays and Leave

#### **Section 601 Paid Holidays Observed**

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- A. The North Carolina State Government Holiday Schedule as approved by the Office of State Human Resources and such others as the Board of Commissioners may designate shall be observed by County offices and shall be counted as hours worked.

All salaried employees appointed to a regular full-time established position, and all part-time employees normally scheduled to work the day on which the holiday falls, as documented on personnel action form, shall receive these days with pay.

- B. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work scheduled 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.

#### **Section 602 Effect of Holidays on Other Types of Paid Leave**

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Regular holidays that 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. Holidays that occur during leave without pay will not be paid.



## **Section 603 Holidays – When Work is Required**

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Essential regular full-time public safety, employees required to perform work on regularly scheduled holidays will be paid up to twenty-four (24) hours per holiday on top of their base pay for hours actually worked on a holiday. Essential regular full-time public safety employees who work less than (8) hours, or that do not work on a holiday, will be paid eight (8) hours of holiday pay. Regularly scheduled part-time employees required to perform work on a holiday will be paid a pro rata share of any (8) hour holiday. All other employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one hour off **for each hour worked on a holiday. Compensatory time for holiday work shall be granted within three (3) months from the date it is earned.**

**A holiday is defined as beginning at midnight and continuing for twenty-four (24) hours until the following midnight.**

## **Section 604 Adverse Weather Conditions**

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County offices and departments shall remain open for the full scheduled work day unless authorization for early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized early closing. Employees scheduled to work during an authorized official closing or other deviation, will be given full credit for all their work hours scheduled but missed during the period covered by the authorized official closing or other deviation. Employees who leave work before an official early closing time, as well as those employees who report for work late or do not report for work at all, will be required to use earned vacation to account for this unauthorized missed time. Also, any employee who has leave time approved prior to the issuance of an authorization for early closing or other deviation, will be required to honor that approved leave time.

The authorization for early closing or other deviation issued by the County Manager's office is not applicable to those County offices and departments that perform an essential public safety function unless that office or department is specifically identified as being covered in the authorization.

## **Section 605 Annual Leave**

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- A. For the purpose of earning and accruing annual leave, the twelve (12) month period beginning with the first full pay period in January and ending with the pay period including December 31 is established as the leave year.

- B. Employees serving a probationary period following initial appointment shall not be permitted to take annual leave during the first six months of the probationary period unless the denial of such leave will create an unusual hardship. Any annual leave granted during this period shall have prior approval of the County Manager.
- C. Each employee normally scheduled to work at least 30 hours per week shall earn annual leave on a bi-weekly basis in accordance with the following table of total service:

Total Years of Service	60 hours but less than 80 hours	80 hours per pay period	84 hours per pay period (Sheriff, Jail, EMS, Communications)	112 hours per pay period (Fire)
	Hours Earned per Pay Period			
0-2 yrs.	.0453 per hour	3.6240	3.8052	5.0736
2-5 yrs.	.0529 per hour	4.2320	4.4436	5.9248
5-10 yrs.	.0644 per hour	5.1520	5.4096	7.2128
10-15 yrs.	.0760 per hour	6.0800	6.3840	8.5120
15-20 yrs.	.0875 per hour	7.0000	7.3500	9.8000
20 yrs. plus	.0990 per hour	7.9200	8.3160	11.0880
Maximum Accrual Carried Over to Following Year	240	240	240	240

- D. Annual leave may be accumulated without any applicable maximum until the final pay period that includes December 31 of each leave year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. On the final pay period that includes December 31 of the leave year, any employee with more than thirty (30) days or 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that only thirty (30) days or 240 hours are carried forward to January 1 of the next leave year.
- E. Annual leave shall be taken with the prior approval of the employee's Department Head. If approved, annual leave can be taken for each hour an employee is regularly scheduled to work.
- F. Annual leave shall not be advanced under any circumstances.
- G. An employee who is separated shall be paid for annual leave accumulated to the date of separation, not to exceed a maximum of thirty (30) days or 240 hours.

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

**Section 606 Sick Leave**

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A. Each employee normally scheduled to work at least 30 hours per week shall earn sick leave on a bi-weekly basis at the rate of .0461 per hour worked not to exceed hours shown on table below. Sick leave will be cumulative for an unlimited number of days.

60 but less than 80	80 hours per pay period	84 hours per pay period	112 hours per pay period
Maximum Hours of Sick Leave Earned Per Pay Period			
.0461	3.6880	3.8724	5.1632

B. To the extent that employees have accrued sick leave, they may be granted sick leave for absence for each hour regularly scheduled to work due to the following:

1. Sickness or bodily injury that prevents the employee from performing the regular duties of the job.
2. Medical or dental appointments.
3. The actual period of disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
5. Death in the employee's immediate family as defined in Article 1 Section 604, not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.
6. Sick leave may also be requested for illness of a member of the employee's immediate family. For the purpose of leave policies, immediate family is defined as spouse, parent, sibling, son, daughter, grandparent and grandchild. Also included are the step, half and in-law relationships as appropriate based on the above listing.

- C. Except in cases of emergency, Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or an employee must call the immediate supervisor at or prior to their schedule starting time for that day. Sick leave may only be taken with the approval of the immediate supervisor.
- D. The employee's Department Head or the County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period of 90 days or more, the employee's Department Head or County Manager may require a fitness-for-duty examination at the County's expense, to determine whether the employee is able to resume normal duties.
- E. Unused sick leave is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.
- F. Employee must notify County of any unused sick leave earned from another North Carolina governmental agency. The total number of days accepted as transferred will be added to the record after completion of the six months probationary period. Verification of accumulated sick leave must be received in writing from the previous employer.
- G. Employees who retire or resign with the County shall lose all sick leave credits. No employee shall be paid for any accrued sick leave if the employee leaves employment for any reason.
- H. During a National State of Emergency in effect for the 2019 Novel Coronavirus (COVID-19) employees can take sick leave for any reason. Sick leave will be advanced in situations where an employee does not have an accrued sick leave balance. Once the National State of Emergency is not in effect employees will be required to pay back any advanced sick leave time. Shared leave will be suspended for all reasons during the National State of Emergency. If an employee leaves employment while owing advanced sick leave the amount will be deducted from vacation and compensatory time.
- I. The Families First Coronavirus Response Act (FFCRA) is a law which has different acts with the shared goal of providing relief to those who have been or will be adversely affected economically by the COVID-19 pandemic. The Act is effective from 4/1/2020-12/31/2020. If an employee has available work, either under normal circumstances at the normal worksite or by means of telework, and becomes unable to work due to the qualifying reasons set forth

in the FFCRA then he or she would be eligible to receive either Emergency Family and Medical Leave or Emergency Paid Sick Leave. These two parts are outlined below:

1. The Emergency Family and Medical Leave Expansion Act covers all employees who have been employed for thirty days. Employees may take up to 12 weeks of leave when “an employee is unable to work or telework due to a need for leave to care for son or daughter under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state or local authority.

The first ten days of emergency FMLA are unpaid but an employee may choose to use any accrued paid leave during the first ten days of emergency FMLA leave. After the first 10-days of Emergency Family Leave an employee will be required to use accrued compensatory time, sick time and/or vacation time to run concurrently with Emergency Family Leave. Employees may use their maximum of 80 hours of emergency paid sick leave instead of accrued leave. See below.

2. The Emergency Paid Sick Leave Act covers all employees. All full-time employees are entitled to a maximum of 80 hours of emergency paid sick leave. Part-time and temporary employees are also eligible for emergency paid sick leave and the amount of leave will be calculated on a case-by-case basis. The circumstances an employee qualifies for emergency paid sick leave are:
  - a. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
  - b. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19;
  - c. The employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis;
  - d. The employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons; or
  - e. The employee is caring for his or her son or daughter because the child’s school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.

It is up to the employee to decide whether to use emergency paid sick leave before any other form of accrued paid leave the employee has. Currituck County may not require an employee to use accrued sick, vacation or personal leave or, for nonexempt employees only, accrued comp time before using emergency paid sick leave. Any accrued paid time off previously earned by an employee may not run concurrently with emergency paid sick leave.

Other information regarding each act, FICA deductions, etc. may found at the following link: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

## **Section 607 Leave without Pay**

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- A. Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Department Head. Upon returning to duty after being on leave without pay, the employee shall be guaranteed a position of the same classification and pay. Failure to report for duty at the expiration of the leave without pay period, unless an extension has been granted, shall be considered a resignation.
- B. Vacation, holiday and sick leave credits will not be accrued during leave without pay. Longevity eligibility date will be extended by the same length of days (partial days shall revert to whole days) the employee was on leave without pay. Individual hospitalization and dental insurance provided for the employee by the employer during regular pay will not be provided as employer expense benefits during leave without pay, unless the employee is on FMLA leave or on the payroll a minimum of half the working days during the calendar month. The employee, however, may continue to be eligible for any benefit(s) under the County's group plans, subject to regulations adopted by the Board of Commissioners and the respective group carriers.
- C. The employee must apply in writing to the Department Head for leave without pay. The employee is obligated to return to work within or at the end of the time granted. Requests for leaves of absence without pay will be submitted to the County Manager as far in advance as possible.

## Section 608 Shared Leave

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- A. Voluntary Shared Leave Program – There are occurrences brought about by serious and 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 vacation leave so as to provide assistance to a fellow County employee. This policy would provide an opportunity for employees to assist another affected by a serious medical condition that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave. Vacation leave may also be donated to an employee for the serious medical condition of that employee’s spouse, parent or child.

This policy and program will provide the opportunity for one employee to help another on a one-to-one, personal basis. It does not permit “banking” of leave.

In those cases of a medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee. For purposes of this policy, medical condition means medical condition of an employee that is likely to require an employee’s absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee’s leave account. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions. The use of vacation on a shared basis for any purpose other than specified in this policy is prohibited. Sick leave may not be used in the voluntary shared leave program. An employee who has a medical condition and who receives benefits from the Disability Income Plan is not eligible to participate in the shared leave program.

Participation in this program is limited to 1,040 hours, either continuously or, if for the same condition on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 2,080 hours, if management would have otherwise granted leave-without-pay.

- B. Administration - When implemented, this program shall be administered under the following conditions:
1. Qualifying to Participate and Application Process:

2. Employee must be in permanent, probationary, or trainee appointment status and must apply for Shared Leave:
  - a. By letter of application to the County Manager, a recipient shall apply, or be nominated by a fellow employee to participate in the program.
  - b. Application for participation would include name, social security number, job title, description of the medical condition and estimated length of time needed to participate in the program.
  - c. Prior to making the employee's status public for purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
  - d. The County Manager shall review the merits of the request and approve or disapprove. The County Manager may choose to delegate the responsibility for reviewing the validity of requests to the Human Resources Department for this purpose.
  - e. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.
3. Participation Requirements: A County employee may contribute only vacation leave to another County employee.
4. Recipient Guidelines
  - a. A prospective recipient may make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.
  - b. Participation in this program is limited to 1,040 hours, either continuously or, if for the same condition, on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.
  - c. Subject to the maximum of 1,040 hours, the number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined vacation and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available leave before using donated leave.
  - d. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.



- e. At the expiration of the medical condition, as determined by the County, any unused leave in the recipient's donated leave account shall be treated as follows:

The vacation and sick leave account shall not exceed a combined total of 40 hours. Any additional unused donated leave will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

If a recipient separates from the County, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

#### 5. Donor Guidelines

- a. County employees may contribute only vacation leave to another employee with the County. The minimum amount to be donated is four hours.
- b. The maximum amount of vacation leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate:

**Example 1** – Employee with 5 but less than 10 years of County service earns 133.95 hours annually. Employee may contribute four or more hours but may not reduce vacation balance below 66.98 hours.

**Example 2** – Employee with more than 20 or more years of County service earns 205.92 hours annually. Employee may contribute four or more hours but may not reduce vacation leave balance below 102.96 hours.

#### C. Leave Accounting Procedures

To facilitate the administration of the program, the County may establish a specific time period during which leave can be donated.

The County shall establish a system of leave accountability which will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes.

Withdrawals from recipient's leave account will be charged to the recipient's account according to usual leave policies.

Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay

Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donor(s). Employees who donate "excess" leave (any amount above 240 maximum allowable carryover) at the end of December may not have it returned and converted to sick leave.

## **Section 609 Military Leave**

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- A. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed eighty hours (80) of military training leave with pay annually and will be entitled to receive regular compensation in addition to the compensation received from the U.S. Armed Forces while on military leave. If such military duty is required beyond this period of eighty hours (80), the employee shall be eligible to take accumulated personal leave or be placed on military leave-without-pay status or reschedule the work hours at the option of the employee.
- B. While on military leave with partial or full pay the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period. Employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act and USERRA. While on military leave without pay, the employee's benefits (such as vacation, etc.) do not accrue but when the service member returns to work, he or she would be entitled to the accrual schedule that would apply if he or she had been continuously employed during military service.
- C. The County may request that the employee provide copies of official orders or other appropriate documentation for all periods of active duty training. The employee may also be asked to provide a memorandum from the Unit Commander for periods of inactive duty training (weekend duty).
- D. Employees who are called to active duty or returning from active duty will have the rights provided for under the Uniformed Services Employment and Re-employment Rights Act of 1994. More information can be found at the following link: <http://webapps.dol.gov/elaws/vets/userra/userra.asp>

## **Section 610 Court Leave**

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County employee called for jury duty or as a job-related court witness for the Federal or State government, or a subdivision thereof, is entitled to a leave with pay for the period of absence required. Leave is granted for the period of time an employee is required to be in court. Employee shall be required to provide documentation from the court verifying attendance. When the court releases an employee with instructions to report back at a later time, the employee is expected to return to the regular work schedule for that day. The employee is entitled to regular compensation, plus fees received for jury duty. Employees shall take vacation or unpaid leave for court appearances that are not jury duty or for court appearances that are not required by the job for the period of absence required.

## **Section 611 Educational Leave with Pay**

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Leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted, upon the recommendation of the Department Head and with the approval of the County Manager, to take courses of study that will better equip the employee to perform the respective job duties for the County. A leave of absence at full or partial pay for a period not to exceed nine (9) months may be granted for the same purpose, but only upon the recommendation of the Department Head and the County Manager with the approval of the Board of Commissioners. An employee on educational leave with full pay shall continue to earn leave credits and any others benefits to which County employees are entitled.

## **Section 612 Family and Medical Leave**

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- A. Family and Medical Leave Act: In general, Currituck County provides an eligible employee up to 12 workweeks of job-protected, unpaid leave (or to substitute appropriate earned or accrued leave) within any 12 month period for:
1. Birth or adoption of a child. (An employee must conclude leave for the birth or placement of a child or adoption or foster care within 12 months after the event). Leave may begin prior to birth or placement, as circumstances dictate. To provide physical or psychological care for child, spouse, or parent with a serious health condition. A child, for purposes of FMLA leave is either under the age of 18 or is over the age of 18 but

2. incapable of self-care due to a physical or mental disability that substantially limits one or more major life functions.
  3. To care for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's job or
  4. For qualifying military exigencies arising from the fact that the employee's spouse, son or daughter or parent is on active duty or has been notified of an impending call to active duty as a member of the Armed Forces (including the National Guard or Reserves) in support of a contingency operation as defined in Section 101(a)(13) of Title 10, US Code. The entitlements differ for this category and are outlined in Section 612 M.
  5. Military caregiver leave as described below in paragraphs #Q and #R.
- B. Eligibility and Entitlement for Family and Medical Leave: Employees must have worked for the County a minimum of one year and this need not be consecutive and have worked for at least 1,250 hours or more during the 12 months prior to requesting leave. The County has designated entitlement for FMLA leave shall be determined using a "12-month period measured forward from the date any employee's first use of FMLA leave."
- C. Qualifying for Leave for the Employee's Own Serious Health Condition: The employee must have a serious health condition that involves:
1. Inpatient care in a medical-care facility, including any period of incapacity or inability to work or perform other regular daily activities or subsequent treatment in connection with such inpatient care or,
  2. Continuing treatment by a healthcare provider which includes
    - a. a period of incapacity lasting more than three full consecutive calendar days and any treatment relating to this condition that includes treatment two or more times by a healthcare provider (in-person visits beginning within 7 days and concluding within 30 days of the first day of incapacity) or one treatment by a healthcare provider with a continuing regimen of treatment such as prescription medication or physical therapy,
    - b. periods of incapacity related to pregnancy or for prenatal care,
    - c. periods of incapacity or treatment for a chronic condition which continues over an extended period of time that requires visits at least twice per year to a healthcare provider (employees should provide documentation related to these visits to Human Resources),

- d. periods of incapacity that are permanent or long-term due to a condition for which treatment is not effective but is under the supervision of a healthcare provider,
  - e. absences to receive multiple treatments for restorative surgery or for a condition that may result in a period of incapacity of more than three days if not treated.
- D. Employer Notification: In cases in which the need for leave is foreseeable, the employee is required to provide at least thirty days' notice before the date leave is to begin. When circumstances prevent such notice, the employee must provide notice as soon as practicable. It is the responsibility of the Department Head to forward employee requests for Family Medical Leave to the Human Resources Director who will determine eligibility for coverage under this policy. A personnel action form placing the employee on Family Medical Leave and supporting documents must be forwarded to the Human Resources Office as soon as possible so that appropriate personnel and payroll adjustments can be made.
- E. Certification: Certification of the need for leave to care for the employee's illness or injury or that of a family member is required. Certification is also required for qualifying exigency and military caregiver leave. The employee must complete required FMLA requests and provide requested information as required by the Human Resources department within 15 calendar days from the date of their request for leave. Such verification is to include the date on which the serious health condition began; the probable duration of the condition; the appropriate medical facts known by the health care provider regarding the condition; and if the request is for a family member, a statement that the employee is needed to provide care. The applicable Certification of Health Care Provider forms are located in the Human Resources Department.
- If no certification is provided, based on the information at hand, the County may not designate leave as qualifying as FMLA leave. If the County designates leave as qualifying as FMLA leave, the employee will be provided with a written notification of such designation.
- Human Resources Department reserves the right to contact the employee's health care provider to verify the authenticity of any certification that is received.
- F. Medical Dispute Resolution: If there is a dispute about the medical opinion provided by the employee's physician, in support of a request for leave for a serious health condition of the employee or the employee's family member, the County may require a second opinion by a physician of the County's choice, at the county's expense. If a third opinion is necessary, a third physician may be selected. The third physician must be agreed upon by both the employee and the County. The third opinion is final and binding upon both parties. The costs of the second and third opinions, if any, are borne by the County.

- G. Leave Provisions: Employees must first use and exhaust any accrued paid leave time before taking unpaid family and/or medical leave. Sick leave will be used first and then vacation leave until all leave is exhausted. Vacation and sick leave credits will not be accrued, nor will the employee receive paid holidays during family and/or medical leave without pay. If the employee has available compensatory time this will be exhausted before any other type of paid leave can be used. Any combination of family and medical leave within the 12 month period may not exceed this maximum limit. In the case of military caregiver leave, more than 12 weeks in a single 12 month period may be available. If the initial period of approved absence proves insufficient, consideration may be given to a request for an extension.
- H. Leave Provisions for Spouses Both Working for the County: If leave is taken for adoption or birth of a healthy child, the maximum combined leave for both spouses is 12 weeks. If leave is taken for a serious medical condition of employee, spouse parent or child the maximum combined leave for both spouses is 12 weeks. If leave is taken for the care of a sick or injured covered service member the maximum combined leave for both spouses is 26 weeks.
- I. Employee Benefits: Both the County and the employee will continue to pay their customary portions of the monthly premiums during FMLA leave. If the employee chooses not to return from leave, under certain circumstances, the employee may be required to repay the County's portion of the premium payment as provided by statute.
- If the FMLA leave is unpaid, service and paid leave earnings cease (401K Match, retirement, vacation and sick leave accrual, etc.).
- J. Intermittent or Reduced Leave: There are cases when leave is needed intermittently or on a reduced-time schedule due to a serious health condition of the employee or a member of the employee's family. Intermittent or reduced schedule leave is also available for qualifying exigency and military caregiver leave. If the employee requests intermittent leave or leave on a reduced-time schedule for planned medical treatment, the County Manager may transfer the employee temporarily to another position of equal pay and benefits for which the employee is qualified. Such transfer is to be made for the purpose of accommodating the recurring periods of leave. The employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations.
- K. Return to Work: An employee returning from medical leave must submit a health care provider's verification of the employee's fitness to return to work. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until medical certificate release is provided and approved by the Human Resources Department.

- L. So that an employee's return to work can be properly scheduled, an employee on family and/or medical leave is requested to provide the County with at least two (2) weeks advance notice of the date the employee intends to return to work. When a family and/or medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent or virtually identical position, i.e. with same benefits, pay, and other terms and conditions of employment, for which the employee is qualified.
- M. The employee may be required to report to the immediate supervisor at regular intervals regarding the status of the condition that prompted the requested leave.
- N. If, at the expiration of the family and/or medical leave without pay period, an employee fails to report for duty, and no extension of the leave without pay has been granted, then the failure to report is deemed a resignation.
- O. Periods of paid leave and periods of leave without pay count towards the FMLA 12 week entitlement. This includes Workers' Compensation leave and shared leave and will run concurrently.
- P. Job Restoration: Most employees granted leave will be returned to the same position held prior to the FMLA leave or one that is equivalent in pay, benefits, and other terms and conditions of employment. Certain highly compensated salaried employees (key employees) are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.
- Q. Military Caregiver Leave: THE FMLA Act provides an eligible employee with up to 26 weeks of unpaid leave within a "single 12 month period" to care for the serious injury or illness of a spouse, child, parent or next of kin who is a member of the Armed Forces, including National Guard or Reserves. Military caregiver leave also allows an eligible employee who is the spouse, son, daughter, parent, or "next of kin" of a covered veteran with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the veteran.

A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he or she: was a member of the Armed Forces (including a member of the National Guard or Reserves); was discharged or released under conditions other than dishonorable; and was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

- R. A serious injury or illness is defined as an injury or illness that the serve member incurred in the line of duty, while on active duty, that renders them medically unfit to perform the duties of their office, grade, rank or rating. The "single 12 month period" for Military Caregiver Leave begins on the first day the employee takes leave for this reason and ends 12 months later.

Documentation and certification requirements can be found at the following links:  
<https://www.dol.gov/whd/regs/compliance/whdfs28mb.pdf> and  
<https://www.dol.gov/whd/regs/compliance/whdfs28ma.pdf>.

- S. Qualifying Military Exigencies include but are not limited to short notice deployment (seven or less days of notice prior to deployment, military events and related activities, making financial and legal arrangements, post-deployment activities, any other event that the employee and County agree is a qualifying military exigency.
- T. Grievance Procedure: It is the policy of Currituck County not to discharge or discriminate against any employee exercising his/her rights under the FMLA. Any employee who feels he/she has been treated unfairly should follow the Problem Resolution and Grievance Procedure as outlined in Article 10.

### **Section 613 Leave for Parent Involvement in School**

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In accordance with North Carolina General Statute 95-28.3), Currituck County allows up to four (4) hours of leave per year to all employees who are a parent, guardian, or person standing in loco parentis of a school aged child so that the employee may attend or otherwise be involved at that child's school. However, any leave granted for such reasons is subject to the following conditions:

- A. The leave must be at a mutually agreed upon time between the employee and the Department Head.
- B. The employee must notify the immediate supervisor with a written request for the leave at least forty-eight hours before time desired for the leave.
- C. The supervisor or Department Head may require written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave.

### **Section 614 Employee Service on Boards and Commissions**

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An employee serving as the County's representative on any State, Local or other boards, commissions and councils shall not be compensated for their services in addition to their regular salary. An employee serving as the County's representative on any State, Local or other boards, commissions and councils shall be reimbursed for subsistence and travel expenses allowed to County employees and for the actual amount expended for convention or meeting registration fees as shown by receipt.



# ARTICLE 7

## Employee Benefits

### Section 701 Insurance Benefits

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- A. The County offers both medical and dental coverage, under the County's group health plan, to all regular full-time employees and regular part-time employees occupying budgeted positions. For clarification purposes, regular part-time employees are those who work a minimum of thirty hours per week. Each employee shall be enrolled for coverage in accordance with the Health Plan provisions. Coverage will begin on the first day of the month following a waiting period of thirty (30) calendar days. Effective July 1, 2017 medical and dental coverage will terminate on the effective date of resignation. Employees who are on FMLA as of their resignation date will have individual medical and dental coverage paid for by the County.
- B. Payroll deductions shall be allowed, at the option of the employee, to provide coverage for dependents in accordance with the provisions of the County's Group Health Plan.
- C. All employees with a hire date through September 1, 2007 who are covered under the County's Group Health Plan and retiring from the County with at least ten years continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan. The County will pay a pro rata share, according to the following schedule, of a retiree's individual coverage but in no instance shall the benefit cost exceed that of an active employee:

**NUMBER OF YEARS OF  
CREDITABLE CURRITUCK COUNTY  
SERVICE**

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**PERCENTAGE OF COUNTY'S  
PARTICIPATION IN THE PLAN**

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10 yrs. but less than 15 yrs.  
15 yrs. but less than 20 yrs.  
20 yrs. or more

50% of active employee rate  
75% of active employee rate  
100% of active employee rate

All employees hired after September 1, 2007 and before January 1, 2017 who are covered under the County's Group Health Plan and retiring from the County with at least twenty (20) years of continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan at a County participation rate of one hundred (100) percent of the active employee rate. Employees who have left full-time employment with Currituck County and returned to full-time County service with a one year or less break in service and who meet the above mentioned criteria are also eligible for coverage under the County's Group Health Plan. Employees hired on or after January 1, 2017 will not be eligible for County-paid insurance at retirement.

Retirees must accept or decline the County's Group Health Plan coverage within sixty (60) days of the day of retirement. Re-enrollment in the County's Group Health Plan after this time period is not optional.

Employee status of coverage will change when a retiree becomes eligible for Medicare. When this occurs, the County's Group Health Plan becomes secondary coverage to Medicare. Coverage will also be affected by a Health Plan provision in which retiree eligibility is amended.

## **Section 702 Unemployment Compensation**

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

### **Section 703 Old Age and Survivors Insurance (Social Security)**

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The County, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

### **Section 704 Retirement Benefits**

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

### **Section 705 Death Benefit**

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If an employee dies while still in active service with at least one year as a contributing member of the Retirement System, the employee's beneficiary will receive a lump sum payment equal to the employee's highest twelve (12) months' consecutive salary during the preceding twenty-four (24) months, not to exceed \$50,000. This benefit is also paid if the employee dies within 180 days after the last day for which he or she was paid a salary.

### **Section 706 Benevolence Policy**

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The County may purchase a memorial book for the Currituck County Library to be donated in memory of a deceased current employee or sitting County Commissioner and their immediate family. Immediate family, as defined for this section, is spouse, child, mother or father. Additionally, a memorial book may be donated in memory of a retired employee or past Commissioner. The Chairman of the Board of Commissioners may, at his discretion, authorize a memorial book for prominent citizens or others who have greatly contributed to the betterment of Currituck County.

## **Section 707 Law Enforcement Officers' Separation Allowance**

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- A. The County shall provide a special separation allowance to qualified officers who retire early or who leave service early and who meet all of the following qualifications:
1. The officer must have completed thirty years or more of creditable service or have attained fifty-five years of age and completed five or more years of creditable service.
  2. The officer must not yet be age sixty-two.
  3. The officer must have completed at least five years of continuous service as a law enforcement officer immediately prior to service retirement.
- B. Payment of the separation allowance will cease if the officer (1) reaches age sixty-two, (2) dies, or (3) is re-employed in any capacity by the State of North Carolina or any of its political subdivisions. Retired Law Enforcement Officers may be re-employed in positions not requiring participation in the North Carolina Local Governmental Employees' Retirement System without forfeiting their separation allowance.

## **Section 708 Supplemental Retirement Income Plan for Law Enforcement Officers**

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All law enforcement officers automatically become a member of the State Supplemental Retirement Income Plan on the date of hire.

## **Section 709 Benefits - Other (Fixed)**

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Currituck County, as the employer, provides the following additional benefits to employees:

- A. Workers' Compensation - Provides coverage to all employees to cover medical expenses and lost time from work due to work-related injuries. As required by law, Currituck County participates in a Workers' Compensation program at no cost to employees. In cases of certified injuries arising out of employment, the program pays hospital and doctor bills with a weekly cash benefit if employees are disabled. To be certain that employees may qualify for Workers' Compensation, they must report any job-related injuries immediately to their supervisor or Department Head. In turn, the Department

Heads shall file all applicable forms with the Risk Manager. The County will assist employees in processing claims. If Department Heads are not certain whether injuries are compensatory, they may contact the Risk Manager for assistance.

No Workers' Compensation payments shall be allowed for the first seven calendar days of disability resulting from injury except as otherwise provided for by law. Since there is no cash payment during the first seven calendar days of disability resulting from an injury, the County will permit employees to use any accrued benefits such as sick or vacation leave; or employees may exercise the option of accepting no regular pay until Workers' Compensation is granted. If the injury results in disability of more than twenty-one days, the compensation shall be allowed from the date of disability at a rate established under State law. Employees shall be required to return to the County any amounts of insurance payments received for the first seven days of disability, in excess of his or her regular salary. Employees will not be permitted to draw an income in excess of his or her regular salary which is provided by the insurance carrier or the combination of accrued benefits. Employees are responsible for returning any overpayments of combined income to the Human Resources Office. Worker's Compensation leave runs concurrently with FMLA leave.

- B. Employee Assistance Program (EAP) - Provides assistance to full-time employees and individuals residing in the employee's household in resolving problems, including family problems, substance abuse, marriage difficulties, financial trouble, stress, and depression. Supervisors and Department Heads have the discretion to require an employee's mandatory attendance in the EAP as a condition of continued employment.
- C. 401(K) Plan - Supplemental Retirement Income Plan of North Carolina, which provides an automatic contribution by the employer for all participating members of the Local Governmental Employees' Retirement System.

## **Section 710 Benefits - Other (Flexible)**

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Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and may be payroll deducted:

- A. Miscellaneous insurance.
- B. Credit Union.
- C. Flex Plan - provided by Section 125 of the Internal Revenue Code, allowing employees to spend pretax dollars on insurance premiums.

D. Deferred compensation plans authorized by Section 457 of the Internal Revenue Code, providing supplemental long-term retirement.

# ARTICLE 8

## Substance Abuse Policy and Procedures

### **Section 801 Purpose and Scope of Policy**

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This policy describes practices and procedures to ensure that the work environment is free from the presence of illegal drugs and alcohol, and that employees are capable of performing their tasks safely and efficiently without the influence of any legal or illegal drugs, or alcohol.

It is the policy of the County that employees may not possess, use, or distribute illegal drugs or alcohol or be under the influence of drugs or alcohol on the County's premises, while doing County business, or while operating County vehicles or personal vehicles for County use. This policy also applies to employees who visit or work off-site and/or operate non-County vehicles while doing County business.

The County reserves the right to require drug and/or alcohol screening for the purpose of enforcement of this policy.

### **Section 802 Definitions**

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- A. **Illegal Drugs** - Any drug that is illegal under Federal, State, or local law. Any legal drug which has been illegally obtained or for which a valid prescription is required and lacking. Any drug which has been purchased legally in another jurisdiction but is illegal in the state where it is possessed or used.
- B. **Under the Influence** - Behavior, demeanor, or appearance which indicates or suggests that one's job performance, mobility, safety, speech, or functioning has been affected by use of alcohol or drug use.

## **Section 803 Pre-employment Testing**

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Persons who have received a conditional offer of employment with the County will be required to undergo a drug test. Any offeree with a confirmed positive result will be disqualified from employment with the County. However, an offeree with a confirmed positive result may request a second test using the original sample at his/her expense. If the second test is negative, the results of the initial positive test will not be used to deny employment. If the second test is again positive, the offer of employment with the County will be withdrawn.

Individuals who have been offered positions subject to the substance abuse regulations of the U.S. Department of Transportation (“DOT”) will be required to undergo testing in accordance with DOT regulations. These positions are generally positions that require a Commercial Driver’s License (“CDL”) or “safety-sensitive” work in connection with the same (such as a vehicle mechanic).

## **Section 804 Testing of Employees**

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The County reserves the right to require that employees periodically submit to drug or alcohol testing. These tests are intended to ensure that the County's work environment is free from the presence of substances that could impair performance and safety. The procedures listed below will be applied to drug or alcohol screening tests administered to County employees:

## **Section 805 Procedures**

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- A. **Applicability** - This substance abuse policy applies to all individuals offered employment with the County, to temporary and regular employees of the County, and to temporary and regular employees of any contractors of the County whose employees are present on County property.
- B. **Drug Testing** - All individuals who receive a conditional offer of employment with the County (“offerees”) will be required to successfully complete a test for illegal drugs before they will be allowed to start work. This applies to any individual who may be required to drive on any occasion for work-related duties. Current employees of the County may be subject to drug tests on a random basis, and to drug or alcohol tests for reasonable cause, and/or post-accident, as specified below.



- C. **Random Testing** - Employees in safety-sensitive job classifications will be subject to random drug testing. Employees whose jobs are subject to the requirements of the U.S. Department of Transportation (“DOT”) will be subject to substance abuse testing as required by DOT regulations.
- D. **Reasonable Cause** - Any employee who appears to be under the influence of drugs or alcohol may be required to submit to drug or alcohol screening. Employees who are involved in an accident will also be required to submit to drug or alcohol screening if the County Director of Human Resources, in consultation with the employee’s Department Manager and relevant safety management, determines that there is reason to believe that the employee’s acts or omissions may have contributed to the accident. Some of the objective criteria that will trigger a post-accident test include: fatalities; injuries that require anyone to be removed from the scene for medical care; damage to vehicles or property above a specified monetary amount (the respective deductible). The post-accident test must be conducted within twelve hours of the accident.
- E. **Alcohol Testing** – Except as required by applicable DOT regulations, offerees will not be tested for alcohol. Current employees will not be required to undergo alcohol testing unless there is reasonable cause, or post-accident.
- F. **Search** - Employees may be required to empty the contents of their apparel, purses, or other personal belongings when the County has reason to suspect the presence, sale, use, and/or possession of illegal drugs or alcohol.
- G. **Positive Test Results** – If an offeree tests positive for illegal drugs, his or her offer of employment will be withdrawn. An employee who has a confirmed positive drug or alcohol test result for the first time will be ordered to get treatment from an Employee Assistance Program (“EAP”) or other appropriate rehabilitation program, and sign a “Last Chance Agreement” in which he or she agrees to undergo rehabilitation and comply with the treatment regimen, agrees to undergo follow-up testing, and acknowledges that any subsequent positive test result will result in immediate discharge. In addition, the employee may be disciplined or suspended without pay, depending on the circumstances. Any employee who has a second or subsequent confirmed positive drug or alcohol screening test result will be terminated.
- H. **Right of Retest** - Any offeree or employee with a confirmed positive drug test result may request a retest before the County takes adverse action. The retest must be of the original sample, it must be done by an approved laboratory, and the offeree or employee must pay for the retest. If a retest requested by an offeree is negative, the County will not withdraw the offer of employment. If a retest requested by a current employee is negative, the County will reimburse the cost of the test to the employee and will not take action against the employee. If the retest is positive, the County will act according to Subsection G, above.

- I. **Refusal to Test** – Any unjustified refusal to undergo substance abuse testing as requested by the County is considered dishonesty or insubordination, and will result in immediate withdrawal of an offer of employment (if the individual is an offeree) or immediate discharge (if the individual is a current employee), without the opportunity to attempt rehabilitation. An adulteration includes, but is not limited to, substitution of another person’s urine or blood for that of the individual being tested, excessive “diluteness” of a urine sample without a proper medical excuse, or any other deliberate action that could have the effect of preventing an accurate test. A “refusal to test” includes adulteration as well as simply failing to appear for the scheduled testing, unduly delaying the testing, or failing to provide a urine or blood sample, without a legitimate excuse.
  
- J. **Failure to Cooperate** - An employee's refusal to allow a drug search, to permit confiscation of suspected material, to submit to a drug screening test, to participate in a counseling or rehabilitation program when referred by the County, or to cooperate fully with the enforcement of this policy will constitute cause for termination of employment.
  
- K. **Sale, Distribution or Possession** - Employees who are found in the possession of illegal drugs or alcohol while on County premises will be subject to disciplinary action up to and including termination. Employees who sell or distribute illegal drugs while on County premises will be subject to immediate termination.
  
- L. **Legal Drugs** – If an employee is taking legal medications (either prescription or over-the-counter) that may affect his or her ability to perform the job safely, the employee must disclose this information to the Director of Human Resources, so that the County can determine what action to take. Appropriate actions may include reasonable accommodation, temporary transfer to another position (if available and appropriate), permanent transfer to another position (if available and appropriate, and if the employee expects to be on the medication indefinitely), or sick/medical leave until the employee is no longer taking the medication. The Director of Human Resources may require documentation of the prescription or over-the-counter purchase, information about the effects of the drug, and information from the employee’s health care provider about the effect of the medication on the individual employee and possible job-related accommodations. Failure to disclose a legal medication that may affect safe performance of the job can result in disciplinary action, up to and including termination of employment.
  
- M. **Confidentiality** - All information involving medical examination, drug or alcohol test results, or rehabilitation and treatment of an individual employee or offeree, shall be treated as confidential medical information and maintained in a separate medical file. No data concerning this information or participation in any rehabilitation program will be made part of the employee's personnel file. Such information concerning the employee may be disclosed only to

those with a legitimate need to know the information. It will not be provided to any other party without the written consent of the employee except pursuant to legal procedure or process.

- N. **Voluntary rehabilitation** - Employees who need help with alcohol or drug use are welcome to voluntarily use the County's EAP, or to participate in organizations such as Alcoholics' Anonymous or Narcotics Anonymous. No adverse action will be taken against an employee who discloses in good faith that he or she is voluntarily participating in substance abuse rehabilitation. However, the employee must (1) disclose participation in the program to the County Director of Human Resources before being notified of selection for substance abuse testing, (2) fully comply with the treatment regimen prescribed by the rehabilitation program, and (3) accept and fully comply with any requirement that the employee be reassigned or take a leave of absence as needed to address the County's legitimate safety concerns or applicable licensing requirements.

## **Section 806 Convictions of Criminal Drug Statute**

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

**No part of this substance abuse policy is intended to affect the County's right to manage its workplace, to discipline its employees, to modify the terms or conditions of employment or to otherwise alter the at-will status of its employees.**

# ARTICLE 9

## Separation, Disciplinary Action, and Reinstatement

### **Section 901 Types of Separation**

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Separation from County service occurs when the employee leaves the payroll for reasons listed in this section. The employee's separation (termination) date shall be the actual last day worked. It shall not be on a County holiday, unless the holiday is an actual work day for the employee.

### **Section 902 Resignation**

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All resigning employees should give a minimum of two (2) weeks written notice with the exception of supervisors and Department Heads who should give a minimum of thirty (30) days written notice. Written notice shall be given to the employee's immediate supervisor, who will forward the notice to the Department Head and the Human Resources Department. In the case of a Department Head's resignation, the written notice shall be given to the County Manager.

### **Section 903 Voluntary Resignation Without Notice**

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An employee who is (1) absent from work and does not contact the immediate supervisor for three (3) consecutive scheduled workdays or (2) is absent for at least three (3) consecutive scheduled workdays, has been instructed verbally or in writing of a specific manner of reporting by management and does not report to the appropriate supervisory personnel on a regular basis satisfactory to the appropriate supervisory personnel may be separated from employment as a voluntary resignation. Separation pursuant to this policy shall not occur until the supervisor/Department Head has undertaken reasonable efforts to locate the employee and determine when, or if, the employee is intending to return to work and the supervisor/Department Head has consulted with the County Manager.

## **Section 904 Separation Due to Administrative Termination**

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If an employee is out of work for medical reasons and has exhausted all available paid and unpaid leave, and if no reasonable accommodation is possible (including temporary or permanent reassignment to a different vacant position that is appropriate based on the employee's education, skills and experience), the employee will be administratively terminated. "Administrative termination" means that the employee was not at fault, and the employee will remain eligible to reapply for a position in the future. Currituck County will not contest any unemployment claim filed by an employee who is terminated under these circumstances. If the employee believes that reasonable accommodation was possible or believes that the termination was unfair in any way, the employee may use the County grievance procedure.

## **Section 905 Retirement**

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An employee may retire when retirement criteria are met and application is made for retirement benefits from the North Carolina Local Governmental Employees' Retirement System or Law Enforcement Officers' Retirement System.

## **Section 906 Reduction-In-Force**

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An employee may be reduced-in-force and separated from County service because of a shortage of funds or work, elimination of a position, reorganization or other changes in duties. Retention of employees in positions affected shall be based on systematic consideration of the quality of job performance as documented by current performance appraisals, organizational needs, type of employment and seniority. Employees who are separated from the County because of a reduction-in-force will be given at least two (2) weeks written notice of the anticipated separation. No regular employee shall be separated while there are temporary, probationary or trainee employees serving in the same job class in the same department unless the regular employee is not willing to transfer to the position held by employees in temporary, probationary or trainee positions or the regular employee does not have the knowledge, abilities, credentials or skills required to perform the work of the alternate position or cannot obtain the knowledge, abilities, credentials or skills within a reasonable period of orientation and training.

## **Section 907 Disability**

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An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment for which reasonable accommodation is not possible. The employee or the County may initiate action for disability separation, but in all cases, disability separation shall be supported by medical evidence certified by a competent physician and reported immediately to the County Manager. The County may require a physical and/or mental examination at its expense performed by a physician of its choice. Before an employee is separated for disability, an effort shall be made to make reasonable accommodations that will allow the employee to continue working in the current position or to locate alternative positions within County service for which the employee may be suited. To discharge the employee, the disability shall be such that a reasonable accommodation cannot be made.

## **Section 908 Death**

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All compensation due an employee who dies while employed by the County will be paid to the estate of the deceased employee. The date of death shall be recorded as the separation date for computing compensation due. The County shall make every effort to notify the deceased's beneficiary or estate administrator concerning compensation to the estate. Department Heads shall immediately notify the Human Resources Department of an employee's death.

## **Section 909 Just Cause for Disciplinary Action**

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Department Heads and supervisors are responsible for maintaining the proper conduct and performance standards of employees under their supervision. When a supervisor or Department Head determines that an employee's performance or conduct is unacceptable, appropriate disciplinary action may be imposed in order to secure the employee's job performance or behavioral improvement. Currituck County uses progressive disciplinary measures except in cases where an employee demonstrates grossly inappropriate conduct or severely and grossly inefficient job performance warranting immediate dismissal. The severity of the disciplinary action will depend upon the circumstances that give rise to it.

All employees are at will and serve at the pleasure of the County, except those whose employment contract with Currituck County provides otherwise. Temporary and probationary employees may be dismissed without notice or cause and without any hearing or right of appeal, **however these individuals do**

**have appeal rights in matters of alleged discrimination, workplace harassment or retaliation as outlined in Article 10.**

Any employee may be warned, demoted, suspended or dismissed for just cause by the County Manager after consultation with the Department Head. The degree and type of action taken shall be based upon the sound and considered judgment of the County Manager in accordance with the provisions of this policy.

## **Section 910 Definitions Applicable to Disciplinary Action**

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- A. **Performance Improvement Plan** – A tool to help improve conduct or performance that is less than acceptable and provides special direction intended to help an employee achieve and sustain satisfactory conduct and/or performance.
- B. **Unacceptable Personal Conduct** – A basis for discipline or dismissal. An employee may be warned, suspended, demoted, or dismissed for reasons of personal conduct without prior warning or disciplinary action. There is no requirement to give a specific number of warnings or to give any prior warnings for unacceptable personal conduct. Disciplinary action up to and including dismissal for unacceptable personal conduct may be imposed without previous warnings to the employee. An employee may be suspended without notice by the County Manager 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. Unacceptable personal conduct includes disciplinary action up to and including dismissal for conduct which no reasonable person should expect to receive prior warning including, but not limited to:
- Failure to follow instructions, directions, or procedures (can also be considered job performance);
  - Job related conduct which constitutes a violation of State or Federal law;
  - Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County;
  - The willful violation of known or written work rules or policies;
  - Conduct unbecoming an employee that is detrimental to the County's service;
  - The abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of

- an animal owned or in the custody of the County;
- Falsification of an employment application or other employment documentation;
- Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor;
- Absence from work after all authorized leave credits and benefits have been exhausted.

C. **Unsatisfactory Job Performance** – A basis for discipline or dismissal. Disciplinary actions for unsatisfactory job performance do not require prior warnings for the same type of performance problem. Written warnings are given with the intention of permanently improving job performance; however, if the improvement later deteriorates or if other unsatisfactory job performance occurs, the supervisor may proceed to the next level of discipline. No maximum number of warnings are required. Unsatisfactory job performance is defined as a deficiency in work performance including, but is not limited to,:

- violation of, or failure to follow work rules;
- inattention to or negligence of the duties of one's position;
- failure to meet production or accuracy standards;
- poor work habits;
- excessive tardiness and absenteeism;
- failure to follow instructions, directions, or procedures (this can also be considered personal conduct);
- poor work quality and quantity;
- timeliness in the performance of work-related analysis, decisions, or judgment.
- Failure to turn in payroll timesheet by deadline.

D. **Grossly Inefficient Job Performance** – A basis for discipline and dismissal. Occurs in instances in which the employee fails to perform job requirements satisfactorily as specified in the job description, work plans, or as directed by the management of the work unit or the County and the employee's failure results in:

- the creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility;
- the loss of or damage to any County property or funds that result in a serious impact on the County and/or work unit;
- the substantial increase in potential liability or loss of credentials or revenue for the County, or;
- failure to obtain or maintain legally or job-required credentials and falsification of information on a County job application which shall be the basis for dismissal.



There is no requirement to give a specific number of warnings or to give any prior warnings for grossly inefficient job performance. Disciplinary action up to and including dismissal for gross inefficiency may be imposed without previous warnings to the employee.

- E. **Written Warning** – A formal disciplinary action given to the employee by the supervisor in a private conference. The warning documents the way in which the employee's performance or conduct has failed to meet expectations. Written warnings are not grievable.
- F. **Final Written Warning** – A formal disciplinary action given to the employee by the supervisor in a private conference. Final written warnings are often the final step before dismissal. Final written warnings are grievable.
- G. **Disciplinary Suspension** - The temporary removal of an employee from duty without pay for disciplinary reasons. Unpaid disciplinary suspensions of less than a full week with exempt employees are not allowable under this section.
- H. **Investigatory Suspension** - The temporary removal of an employee from duty with pay while an investigation is pending.
- I. **Demotion** - The reassignment of an employee to a position in a lower pay band due to disciplinary reasons, poor performance, lack of necessary qualifications, or job elimination.
- J. **Dismissal** – The permanent removal of an employee from duty, thereby ending the employment with the County. This is the most severe disciplinary action imposed by management and requires approval by the Department Head and County Manager.

## **Section 911 Steps in Disciplinary Procedure**

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The following steps shall be followed in the disciplinary procedure. A supervisor's failure to comply with all procedural requirements of this section will not invalidate a disciplinary action unless the failure to comply harms the employee of due process. Further these bases for disciplinary action are not mutually exclusive, as certain actions by employees may fall into multiple categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

### **Step 1:**

- When addressing inappropriate conduct or gross inefficiency so severe that immediate dismissal is warranted proceed to **Step 13**.

- If the situation does not warrant immediate dismissal as outlined in **Section 910-B** and/or **Section 910-D** proceed to

**Step 2:**

- Supervisor shall schedule a meeting when first observes or learns of unsatisfactory conduct and/or job performance deficiencies, or if an employee is rated overall marginal or unsatisfactory on their initial six month and/or annual performance appraisal.
- During scheduled meeting the supervisor will discuss the employee's unsatisfactory conduct and/or deficient job performance, County expectations and identify corrective action the employee needs to take.
- The supervisor documents this meeting in writing.

**Step 3:**

- If problems of unsatisfactory conduct and/or job performance continue, the supervisor will develop a Performance Improvement Plan which outlines a method to help improve conduct or performance that is less than acceptable and provides special direction intended to help an employee achieve and sustain satisfactory conduct and/or performance.
- The Performance Improvement Plan shall state the process and timetable that will be used to determine improvement of the employee's conduct and/or performance. The Performance Improvement Plan shall be signed by the employee, supervisor and/or Department Head, dated and filed with the Human Resources Department.
- If the employee refuses to sign the Performance Improvement Plan the Department Head shall note the refusal on the plan. A copy of the Performance Improvement Plan shall be given to the employee.
- If employee successfully fulfills the conditions of the Performance Improvement Plan, the supervisor will submit written documentation to the Department Head and the Human Resources Director.

**Step 4:**

- If the employee does not meet the requirements outlined in the Performance Improvement Plan in the time specified or if the conduct and/or performance deteriorates while the Performance Improvement Plan is in effect the supervisor will also provide written documentation to the Department Head and the Human Resources Director.

- The supervisor and/or Department Head may proceed to disciplinary action.

**Step 5:**

- Prior to taking formal disciplinary action, the supervisor shall conduct a fact-finding inquiry to gather pertinent details regarding the situation. The supervisor will then discuss the facts of the case with the Department Head. Department Heads are responsible for notifying the County Manager of any situation to which the policy applies. The County Manager may consult the Human Resources Director, the Department Head, the County Attorney, and/or any other County official deemed appropriate in order to determine a course of action;
- After consulting with Human Resources and/or the County Manager, the Department Head will pursue disciplinary actions deemed appropriate based on the information gathered during the fact-finding inquiry.

**Step 6:**

- Arrange for conference with employee;
- The Department Head shall provide the employee with written notice of the proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action, and a date and time for a conference. At this conference, the employee may present to the Department Head any response to the proposed disciplinary action. During this meeting, the County will not meet with the employee's attorney unless the County Attorney, in his discretion, approves the meeting and can attend.

**Step 7:**

- The Department Head will consider the employee's response to the proposed disciplinary action, and will, within three (3) working days after the conference, notify the employee in writing of the final decision to take disciplinary action. The Department Head shall wait a minimum of twenty-four hours (24) hours before notifying the employee of this decision. The notice of final disciplinary action shall contain the following items:
  - A statement of the reason(s) for the action;
  - A statement noting this warning is a step in the disciplinary process;
  - The basis for the disciplinary action, whether unsatisfactory performance

and/or personal conduct;

- Specifics regarding other recent job performance or personal conduct warnings;
- Specific actions to be taken within a designated time frame to remedy performance deficiencies;
- That the consequence for failing to make the necessary improvement within the specified time frame will lead to further disciplinary action, up to and including dismissal. Absent a specified time frame, 30-60 days is presumed to be the period of time allowed for completing required performance improvements or demonstrating compliance with a performance improvement plan. Immediate corrective action is required for grossly inefficient job performance or unacceptable personal conduct.
- A statement that written warnings, unless specified as final written warnings, are not grievable.
- The Department Head shall provide the County Manager and the Human Resources Department with a written notice of action taken.

**Step 8:**

- If the employee fails to meet the above mentioned requirements outlined in **Step 7** and the employee's conduct or performance does not improve, the Department Head may issue a final written warning;
- Follow all steps as outlined in **Steps 5-7**;
- The final written warning shall state the potential consequences of dismissal if there is no improvement. In addition, the final written warning shall state appeal rights in accordance with Article 10.

**Step 9: (Optional):** During the period after a final written warning has been given, management, in its discretion, may choose to counsel with the employee concerning the employment status before a decision to dismiss is made.

The counseling shall involve a discussion of the necessity for the employee's commitment to improve performance. As a part of the counseling, management may request the employee to take up to a day's leave with pay to consider whether or not the employee wishes to continue employment with the agency. This time away from the job site shall not be charged to the employee's vacation or sick leave; it shall be considered as a type of disciplinary leave with pay, set aside for the employee to review the work situation and make a decision for the future. It shall be stressed to the employee that a decision to continue

employment with the County will require a commitment to improve performance, and that a lack of improvement will lead to dismissal.

**Step 10: Demotion:**

- Demotion for unsatisfactory job performance may be made only after the employee has received at least one (1) prior written warning regarding job performance.
- Discipline for unacceptable personal conduct or grossly inefficient job performance may be imposed at any time without prior warning to the employee.
- Conduct fact-finding as outlined in **Step 5**. Proceed to next step if evidence indicates need for demotion.
- As outlined in **Step 6**, Department Head shall provide the employee with written notice of the proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action, and a date and time for a conference. At the conference, the employee may present to the Department Head any response to the proposed disciplinary action to the Department Head. During this meeting, the County will not meet with the employee's attorney unless the County Attorney, in his discretion, approves the meeting and can attend.
- If the decision is made to demote the employee, the Department Head shall give the employee written notice of the specific reasons for the demotion, the effective date of the demotion, how and to what extent the demotion will affect the employee's salary rate or pay grade, and a statement that this action is not grievable. A copy of the written notice will be made part of the employee's personnel record.

**Step 11 Investigatory Suspension (Optional):** Investigatory suspension is the temporary removal of an employee from duty for potential disciplinary reasons and is with pay. This process may be used to provide time to investigate, establish facts and reach a decision concerning an employee's status. The investigatory suspension may be used to provide time to schedule and hold a disciplinary conference. The County may elect to use an investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by management by the end of forty-five (45) calendar days, one of the following shall occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days' pay deducted from the back pay. The decision to deduct pay is to be based upon management's determination of the degree to which the

employee was responsible for or contributed to the reasons for suspension. An employee may be suspended without notice by the County Manager 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. A written summary giving the circumstances and facts leading to the immediate suspension shall be prepared: one copy shall be delivered to the employee by certified mail, one copy shall be filed in the employee's personnel file, one copy shall be filed with the Department Head and one copy shall be filed with the County Manager.

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

### **Steps for Placing Employee on Investigatory Suspension:**

- Consult with County Manager regarding the specifics of the situation.
- Determine if employee is exempt status in accordance with Provisions of Fair Labor Standards Act (FLSA). FLSA requirements state an exempt status employee shall not be suspended without pay, except for safety reasons or major work rule violations, for less than one full workday.
- Ensure the employee has received at least one prior disciplinary action(s) in matters of **unsatisfactory job performance**.
- No prior disciplinary actions are required in matters of **grossly inefficient job performance** or unacceptable personal conduct. An employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct. An employee may be suspended immediately without advance notice or scheduled conference.
- Ensure the employee leaves County property at once and remains away until further notice when the County Manager suspends an employee without notice. Collect all County-issued equipment to include badges, keys and/or other materials. Contact IT Department so employee access to Currituck County computers is denied.
- Provide the employee written notice of the specific reasons for the investigatory suspension, the effective dates of the suspension and a statement that this action is not grievable. This written notice to the employee shall be sent by certified mail. A Personnel Action Form documenting the disciplinary action shall be completed and forwarded to the Human Resources Department. A copy of the written notice will be made part of the employee's personnel record.

- Ensure the investigatory suspension without pay does not exceed forty-five (45) calendar days. If no action has been taken by management by the end of the forty-five (45) calendar days action shall be taken as outlined above.

**Step 12 Administrative Leave or Administrative Reassignment (Management Option):** On a case-by-case basis, the County may place an employee on administrative leave with pay and/or reassign the employee to any available County position for an indefinite period of time, as determined by the County Manager to be in the best interests of the County while in the process of an investigation or other administrative proceeding conducted by an outside agency.

**Step 13 Dismissal:** Dismissal is the removal of an employee from duty, thereby ending the employment with the County. This is the most severe disciplinary action which may be imposed by management and requires approval by the Department Head and County Manager. Prior to deciding to dismiss a regular employee, the following steps shall be taken:

- The supervisor and/or Department Head recommending dismissal shall discuss the recommendation with the Human Resources Director and the County Manager before any action is taken.
- The supervisor shall attempt to hold a conference with a regular employee. Advance written notice of the conference shall be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice shall be as much as is practical under the circumstances. The purpose of this conference is to receive and consider any new information the employee may present. If an employee fails to, or refuses to, attend the conference, the employee may be dismissed. The supervisor shall notify the employee of the conference in writing to include the reasons for the conference.
- The conference will be conducted by the supervisor limiting attendance to the employee, the employee's supervisor, the Human Resources Director, and the Department Head. If the person conducting the conference chooses, security may be present. No attorney shall represent either side at the conference.
- In the conference, the supervisor will inform the employee orally and in writing of the recommendation for dismissal and summarize the reasons supporting the recommendation. The employee will then have the opportunity to respond to the facts presented and to add any additional information in the favor.
- After the conference, management will review and consider any new information presented in the conference and will, after twenty-four hours (24) and within three (3) working days after the conference, make a decision

regarding the recommended dismissal. These time frames shall be utilized to minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information.

- If the decision is to dismiss the employee, the County Manager will give the employee written notice of the dismissal and the reasons for the dismissal, the effective date of the dismissal, and the employee's grievance rights. A copy of the written notice of dismissal will be made part of the employee's personnel record.

The County Manager may immediately suspend an employee for twenty-four (24) hours for egregious behavior. In cases of egregious behavior the employee is not given advance written notice of a conference, nor the right to a conference. The County Manager may then dismiss the employee 24 hours after the suspension. In the County Manager's discretion, the effective date for the dismissal of a regular employee for unsatisfactory job performance may be up to two (2) weeks from the date of notice of dismissal. The effective date of the dismissal may not be earlier than the date of the letter of dismissal or it may not be later than fourteen (14) calendar days after the date of the letter of dismissal.

## **Section 912 Employee Grievance**

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A regular employee wishing to grieve a final written warning or dismissal may present the matter using the grievance procedure prescribed in Article 10 of this ordinance. Time limits for filing a grievance do not begin until the employee receives written notice of any applicable grievance rights.

## **Section 913 Inactivation of Warnings**

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Disciplinary actions are deemed inactive after the Department Head or Supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved; or eighteen (18) months have passed since the first warning or disciplinary action during which the employee does not have another active warning or disciplinary action and the Department Head has not issued to the employee written notice of an extension to the disciplinary period. Department Heads may consider the history of inactive warnings if additional personal conduct and/or job performance incidents arise.



## **Section 914 Re-employment**

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Currituck County will consider former employees for re-employment. Employees who are dismissed or who resign in lieu of dismissal for unacceptable personal conduct or for grossly inefficient job performance will not be eligible for rehire. Employees leaving the County for any other reason, including performance reasons or position elimination, are eligible to apply for rehire. If a former employee reapplies, the County will review performance and employment history, as well as current qualifications. A review of the requirements for the open position and a determination whether to proceed with the interview process will be conducted based on qualifications and requirements. Rehired former employees will be subject to serving a probationary period and the service date for longevity purposes and the accrual rates will be based upon the full-time re-employment date.

## **Section 915 Reinstatement from Military Leave**

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An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a reserve component of the Armed Forces will be granted reinstatement rights provided under Federal law. These employees are eligible for reinstatement to the same position or one of like status, seniority and pay. Employees in this category who are reinstated within five (5) years will be credited with previously accrued and unused sick and annual leave. Regular employees returning from military leave are entitled to return to the position they would have had, had they remained continuously employed, with such seniority, status, and pay as they would have had and they shall be entitled to participate in insurance and other benefits offered by the County pursuant to established rules and practices pertinent to other types of leaves of absence. However, if employees are on leave 91 days or more or if they receive a disability in military service which renders them unable to perform the functions of the position they would have had, had they remained continuously employed, they may be offered a position of equivalent seniority, status and pay, provided they meet the qualifications for the equivalent position, in lieu of the position they would have had. If employees cannot become qualified for the position they would have had, they may be placed in their pre-service position so long as they are qualified for the job or could become qualified. If they cannot become qualified for the pre-service position, they may be placed in any other position of lesser status and pay for which they are qualified.

An employee's entitlement to the provisions of this section terminate upon the occurrence of the following events:

- The employee is separated from uniformed service with a dishonorable or bad conduct discharge;
- The employee is separated from uniform service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary of the military branch concerned;
- The County's circumstances have so changed as to make reemployment impossible or unreasonable; or
- The employee gives written notice that the employee will not return to work.

# ARTICLE 10

## Problem Resolution and Grievance Procedures

### **Section 1001 Problem Resolution Procedures for Issues Not Subject to Formal Appeal**

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Staff may utilize the Problem Resolution Procedures for problems and/or issues related to working conditions and/or County policies or practices. The following procedures govern the process for formally addressing these concerns:

- A. Step One: The employee shall discuss the concern in a conference with the immediate supervisor. The employee shall document these concerns in written form. The supervisor shall review the matter with the Department Head and provide a written response to the employee within seven (7) business days. A copy of this written response and the employee's written complaint will be maintained in the employee's personnel file.
- B. Step Two: If the concern is not resolved within seven (7) business days after the conference at Step 1, the employee may request a conference and discuss the concern with the Department Head. The Department Head shall review the matter with the Human Resources Director and provide a written response to the employee within seven (7) business days and a copy of the written response will be maintained in the employee's personnel file.

A copy of these procedures outlined in Article 10 will be given to each new employee as part of the orientation process.

Any employee who is denied the opportunity to utilize these procedures outlined in Steps 1-2 may appeal to the County Manager. Appeal of written disciplinary actions are covered in Section 1002 and may not be appealed under Problem Resolution Procedures.

## **Section 1002 Purpose of Grievance Procedure**

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The grievance procedure provides an adequate and fair means for hearing concerns regarding final written warnings, dismissals, alleged charges of workplace harassment, discrimination and/or retaliation of County employees.

## **Section 1003 Coverage for Grievance Procedure**

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This grievance procedure applies to all departments and all regular employees of the County. Probationary and/or temporary employees are not allowed to file grievances under this policy unless they feel they have been subject to discrimination, retaliation and/or workplace harassment. Under this policy only final written warnings, dismissals, alleged charges of workplace harassment, discrimination and/or retaliation are grievable.

## **Section 1004 Grievance Policy**

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Every regular 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.

## **Section 1005 Grievance Procedure**

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- A. **Step One.** An employee shall file a grievance, in writing, with the Department Head, within thirty (30) calendar days of the date of the incident giving rise to the grievance. If the employee alleges workplace harassment the employee shall file the grievance with a member of County management (supervisor or higher) with whom the individual feels comfortable and this could include the Department Head and/or the Human Resources Director, as set forth in Article 5, Section 504. This appeal procedure does not require a written grievance to be made to the Department Head if the employee believes the Department Head is participating in workplace harassment. The Department Head or designee shall meet with the employee within five (5) business days of receipt of the grievance and attempt to resolve the grievance. The Department Head shall issue a written decision on the grievance not later than five (5) business days following the meeting. A copy of the written decision will be placed in the employee's personnel file.

B. **Step Two.** If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the County Manager, within five (5) business days of receipt of the Department Head's decision. The grievance shall state concisely the basis for the concern and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, disability, national origin, sex, genetic information, age, sexual orientation, gender identity or religion. The County Manager shall meet with the employee and the Department Head within five (5) business 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. The County Manager will inform the employee and Department Head, in writing, of the decision within ten (10) business days of the meeting. A copy of the written decision will be placed in the employee's personnel file. This is the final step in the formal grievance process at Currituck County.

## **Section 1006 Late Filing of Grievances**

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Grievances filed on an untimely basis shall be dismissed. Management, in its discretion, may consider allegations of discrimination, retaliation and workplace harassment after the thirty (30) calendar days timeframe. Employees are encouraged to follow the thirty (30) calendar day timeframe so that prompt resolution is ensured.

## **Section 1007 Maintenance of Records**

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All documentation, records, and reports which fall under the provisions of Article 10 will be retained for a minimum of three (3) years and shall be held by the Human Resources Director. These records will be subject to review by the grievant, the employee's Department Head, the County Manager, and the Commissioners.

## **Section 1008 Other Remedies Preserved**

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

# ARTICLE 11

## Personnel Records

### **Section 1101 Personnel Records Maintenance**

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

### **Section 1102 Information Open to the Public**

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The following information on each County employee, whether active or inactive status, is public information:

- A. Name.
- B. Age.
- C. Date of original employment or appointment to County service.
- D. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession.
- E. Current position and title.
- F. Current salary. For the purposes of this policy, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the County.
- G. Date and amount of each increase or decrease in salary.

- H. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification. Date and general description of the reasons for each promotion with the County.
- I. Date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal.
- J. Office to which the employee is currently assigned.

### **Section 1103 Access to Personnel Records**

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As required by G.S.153A-98, any person may have access to the information listed in Section 1102 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

### **Section 1104 Confidential Information**

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All information contained in a County employee's personnel file, other than the information made public and listed in Section 1102 of this article, will be maintained as confidential in accordance with the requirement of G.S. 153A-98 and shall be open to inspection only in the following instances:

- A. The employee or the duly authorized agent may examine all portions of the personnel file, except (1) letters of reference solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

- E. An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- F. An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- G. The County Manager, with concurrence of the Board of County Commissioners, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer or termination of an employee and the reasons for that personnel action. Before releasing the information, the County Manager or Board of Commissioners shall determine in writing that the release is essential to maintaining public confidence in the administration of County services or to maintaining the level and quality of County services. This written determination shall be retained in the office of the Manager or the County Clerk, is a record available for public inspection and shall become part of the employee's personnel file.
- H. Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:
  - 1. Testing or examination material used solely to determine individual qualifications for appointment, employment or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of testing or examination process.
  - 2. Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
  - 3. Information that might identify an undercover law enforcement officer or a law enforcement informer.
  - 4. Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.



## **Section 1105 Remedies of Employees Objecting to Material in File**

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

## **Section 1106 Penalty for Permitting Access to Confidential File by Unauthorized Person**

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Any public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in an employee personnel file, except as expressly authorized by this policy, is guilty of a Class 3 misdemeanor and, upon conviction, shall only be fined an amount not more than five hundred dollars (\$500.00). Any person, not specifically authorized by this policy to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

## **Section 1107 Destruction of Records**

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No person may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it, shall be guilty of a Class 3 misdemeanor and, upon conviction, only fined at the discretion of the court.