

**PERSONNEL POLICY**  
**For**  
**PASQUOTANK COUNTY EMPLOYEES**

**This document is not to be considered a contract but used as guidelines for employees during their service with Pasquotank County.**

**TABLE OF CONTENTS**

Page

**I. ORGANIZATION OF PERSONNEL SYSTEM**

Section 1.	Purpose	1
Section 2.	Coverage	1
Section 3.	Definitions	2
Section 4.	Merit Principle	2
Section 5.	Responsibility of Board of Commissioners	3
Section 6.	Responsibility of County Manager	3

**II. THE CLASSIFICATION PLAN**

Section 1.	Adoption	4
Section 2.	Allocation of Positions	4
Section 3.	Administration of the Position Classification Plan	4
Section 4.	Amendment of Position Classification Plan	5

**III. THE PAY PLAN**

Section 1.	Adoption	5
Section 2.	Maintenance of the Pay Plan	5
Section 3.	Use of Salary Ranges	5
Section 4.	Payment at a Listed Rate	6
Section 5.	Salary of Trainee	6
Section 6.	Pay Rates in Promotion, Demotion, Transfer And Reclassification	7
Section 7.	Pay Rates in Salary Range Revisions	7
Section 8.	Pay for Part-Time Work	8
Section 9.	Overtime	8
Section 10.	Weekend and Holiday Pay for Water Superintendent and Assistant Water Superintendent	9
Section 11.	Payroll Deductions	9

Section 12.	Travel Expenses	9
-------------	-----------------	---

#### **IV. RECRUITMENT AND EMPLOYMENT**

Section 1.	Statement of Equal Opportunity Policy	10
Section 2.	Implementation of Equal Employment Opportunity Policy	10
Section 3.	Recruitment	10
Section 4.	Job Advertisements	12
Section 5.	Applications for Employment	12
Section 6.	Appeal from Disqualifications	14
Section 7.	Application Reserve File	14
Section 8.	Qualification Standards	15
Section 9.	Selection	15
Section 10.	Appointments	15
Section 11.	Probationary Period of Employment	16
Section 12.	Promotion	17
Section 13.	Transfer	18
Section 14.	Requested Demotion	18

#### **V. CONDITIONS OF EMPLOYMENT**

Section 1.	Workweek	19
Section 2.	Gifts and Favors	19
Section 3.	Political Activity Restricted	19
Section 4.	Outside Employment	20
Section 5.	Limitation of Employment of Relatives	20

#### **VI. LEAVES OF ABSENCE**

Section 1.	Holidays	21
Section 2.	Effective of Work on Holidays on other types of paid leave	21
Section 3.	Holiday - When Work Required	21
Section 4.	Annual Leave	21
Section 5.	Annual Leave - Temporary Employees	21
Section 6.	Annual Leave - Manner of Accumulation	22
Section 7.	Annual Leave - Maximum Accumulation	22
Section 8.	Annual Leave - Manner of Taking Leave	23
Section 9.	Annual Leave - Previous Leave Credit	23
Section 10.	Annual Leave - Terminal Pay and Repayment of Annual Leave	23
Section 11.	Annual Leave - Payment of Accumulated Annual Leave Upon Death	23
Section 12.	Sick Leave	23
Section 13.	Sick Leave - Manner of Accumulated	24
Section 14.	Sick Leave - Maximum Accumulation	24

Section 15.	Sick Leave - Physician's Certification	24
Section 16.	Sick Leave - Retirement Credit for Accumulated Sick Leave	24
Section 17.	Sick Leave - Previous Leave Credits	24
Section 18.	Calculation of Holiday Leave, Annual Leave and Sick Leave	25
Section 19.	Leave Without Pay - Policy	25
Section 20.	Leave Without Pay - Retention and Continuation of Benefits	25
Section 21.	Workmen's Compensation Leave	26
Section 22.	Military Leave	26
Section 23.	Civil Leave	26
Section 24.	Educational Leave with Pay	27

## **VII. DISCIPLINARY ACTION, SEPARATION, AND REINSTATEMENT**

Section 1.	Types of Separation	27
Section 2.	Disciplinary Action	28
Section 3.	Dismissal	30
Section 4.	Suspension	31
Section 5.	Demotion	32
Section 6.	Reduction in Force	33
Section 7.	Resignation	33
Section 8.	Disability	34
Section 4.	Death	34
Section 10.	Reinstatement	34

## **VIII. GRIEVANCE PROCEDURE, DISCRIMINATORY AND ADVERSE ACTION APPEAL FOR GENERAL COUNTY EMPLOYEES**

Section 1.	Grievance and Adverse Action. Definitions	35
Section 2.	Grievance Procedure and Adverse Action Appeal - Policy	35
Section 3.	Grievance and Adverse Action Appeal Procedure Non-Discrimination	36
Section 4.	Grievance and Adverse Action Appeal Procedure- Discrimination.	37
Section 5.	Back Pay Awards	37

## **IX. COMPETITIVE SERVICE EMPLOYEES APPEAL PROCESS AND GRIEVANCE PROCEDURE**

Section 1.	Appeals Policy	37
Section 2.	Appeals Procedures	38
Section 3.	Employee Grievances	39

**X. EMPLOYEE BENEFITS**

Section 1.	Insurance Benefits	40
Section 2.	Unemployment Insurance	40
Section 3.	Old Age and Survivor's Insurance	40
Section 4.	Retirement Benefits	41
Section 5.	Deferred Compensation	41
Section 6.	Credit Union	41

**XI. PERSONNEL RECORDS AND REPORTS**

Section 1.	Personnel Records Maintenance	41
Section 2.	Access to Personnel Records	42
Section 3.	Confidential Information	42
Section 4.	Records of Former Employees	43
Section 5.	Remedies of Employees Objecting to Material In File	43
Section 6.	Penalty for Permitting Access to File by Unauthorized Person	43
Section 7.	Penalty for Examining and/or Copying Confidential Material without Authorization	44
Section 8.	Destruction of Records Regulated	44

**XII. IMPLEMENTATION OF POLICY**

Section 1.	Conflicting Policies Repealed	44
Section 2.	Separability	44
Section 3.	Violations of Policy Provisions	44
Section 4.	Effective Date	44

**ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM**

**Section 1. Purpose**

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force. This policy is established under the authority of **Chapter 153A Article 5 and Chapter 126 of the General Statutes of North Carolina.**

**Section 2. Coverage**

- (a) All employees in the county's service shall be subject to this policy except as provided in this section.
- (b) The following officials and employees are exempt:
  - (1) Elected officials;
  - (2) County attorneys;
  - (3) Employees of the hospital;
  - (4) Employees of the county board of education;
  - (5) Employees of the District Health Department; and
  - (6) Employees of the area Mental Health Department.
- (c) The following employees shall be covered only by the specifically designated articles and sections:
  - (1) Employees governed by the State Personnel Act shall be subject to **Article I; Article III; Article IV; Article V; Article VI; Article VII; Article IX; Article X; Article XI; and Article XII;**
  - (2) Employees of the North Carolina Agricultural Extension Service shall be subject to **Article V, Section 1 and Article VI, Sections 1-3;**
  - (3) The Supervisor of Elections shall be subject to **Article II; Article III; Article IV, Sections 1-8; Article V; Article VI; Article VII, Sections 1, 3, 7, 9, 10; Article X; and Article XI.**
  - (4) Temporary employees as designated by the Board of Commissioners shall be subject to **Article I, Article III, Section 9; Article IV, Section 1-10; Article V; Article VI, sections 1, 21; Article VIII; Article IX; Article XI; and Article XII.**

### **Section 3. Definitions**

- (a) General County Employee. A county employee assigned to a department not subject to the State Personnel Act.
- (b) Competitive Service Employee. An employee of a local social service department or local office of emergency management receiving federal grant-in-aid funds.
- (c) Probationary Employee. A person appointed to a regular position that has not completed the probationary period. See Article IV, Section 11.
- (d) Part-time Employee. An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Board of County Commissioners as part-time.
- (e) Full-time Employee. An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Board of Commissioners as full-time.
- (f) Regular Employee. A person appointed to serve in a position for an indefinite duration and who has served a period of more than six (6) calendar months for general county employees, or nine (9) calendar months for Competitive Services employees.
- (g) Temporary Employee. A person appointed to serve in a position for a definite duration.
- (h) Appointing Authority. Any board or position with legal or delegated authority to make hiring decisions.
- (i) Grievance. A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions,
- (j) Adverse Action. A demotion, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.
- (k) Appeal. An application for a decision from a higher authority.

### **Section 4. Merit Principle**

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and fitness.

**Section 5. Responsibility of Board of Commissioners**

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

**Section 6. Responsibility of County Manager**

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend, and remove all county officers and employees except those elected by the people or whose appointment is otherwise provided for by law, or department heads designated by the Board of Commissioners. The County Manager shall report all appointments, suspensions, and dismissals to the Board of Commissioners at the next regularly scheduled commissioner meeting. The County Manager shall make appointments, dismissals, and suspensions in accordance with **153A-82 of the General Statutes of the State of North Carolina and Articles IV, VII, and VIII of this personnel administration policy.**

The Sheriff and Register of Deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of **153A-103 of the General Statutes of the State of North Carolina.** The Director of Social Services has the exclusive right to hire, discharge, and supervises the employees in his/her department under the authority of **108A-14(2) of the General Statutes of the State of North Carolina.**

**The County Manager shall:**

- (a) Recommend rules and revisions of the personnel system to the Board of Commissioners for consideration;
- (b) Recommend revisions to the position classification plan to the Board of Commissioners for approval;
- (c) Prepare and recommend revisions to the pay plan to the Board of Commissioners for approval;
- (d) Determine which employees shall be subject to the overtime provisions as provided for in **Article III, Section 9;**
- (e) Establish and maintain a roster of all persons in the county service, setting forth each officer and employee, class title or position, salary, any changes in class title and status, and such data as may be deemed desirable or useful;

- (f) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the county;
- (g) Develop and coordinate training and educational programs for County employees;
- (h) Investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the Board of Commissioners; and
- (i) Perform such other duties as may be assigned by the Board of Commissioners not inconsistent with this policy.

## **ARTICLE II. CLASSIFICATION PLAN**

### **Section 1. Adoption**

The position classification plan, as set forth in **Appendix A**, is hereby adopted as the position classification plan for the county.

### **Section 2. Allocation of Positions**

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

### **Section 3. Administration of the Position Classification Plan**

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, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the Board of Commissioners after which the County Manager shall either **(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.

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 shall **(1)** direct that the existing class

specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

#### **Section 4. Amendment of Position Classification Plan**

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.

### **ARTICLE III. THE PAY PLAN**

#### **Section 1. Adoption**

The schedule of salary ranges and class titles assigned to salary ranges, as set forth in **Appendix B**, is hereby adopted as the pay plan for the county.

#### **Section 2. Maintenance of the Pay Plan**

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, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the 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 appear to be warranted.

#### **Section 3. Use of Salary Ranges**

Salary ranges are intended to permit the recognition of individual performance. The following general provisions shall govern the granting of within-range pay increments:

- (a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum step may be made on the recommendation of the department head with the approval of the County Manager and Board of Commissioners when deemed necessary in the best interest of the county. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than

the minimum education and training for the class, a shortage of qualified applicants available at the minimum step, and the refusal of qualified applicants to accept employment at the minimum step. Employees appointed at the hiring rate shall receive a one-step increase upon satisfactory completion of the probationary period. This increase shall be effective on the date that the probationary period is completed.

- (b) Pay steps above the minimum rate are reserved to reward employees for meritorious service. During the month of February each year, the department heads shall prepare a written evaluation of each full or part-time employee under his; control. This evaluation shall become a permanent part of the employee's file and shall be used by the Board of Commissioners for purposes of determining merit increments and for any other reason that the Board shall deem appropriate.

#### **Section 4. Payment at a Listed Rate**

All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

#### **Section 5. Salary of Trainee**

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain on the trainee step until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the County Manager approves the certification. The department head shall review frequently the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position.

In the Social Services Department, a trainee may be hired in the area of social work only. This would be a position "working against" a Social Worker I position. The individual would be required to work one full year before becoming eligible to be a Social Worker I. The State Personnel Commission would approve the change from Social Worker trainee to Social Worker I upon successful completion of the one year period.

**Section 6. Pay Rates in Promotion, Demotion, Transfer and Reclassification**

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

- (a) An employee who is promoted shall receive a one-step pay increase or an increase to the minimum step of the new pay range, whichever is higher.
- (b) An employee who is demoted shall have his salary left the same or reduced to any step in the lower range.
- (c) An employee transferring from a position in one class to a position in another class assigned to the same pay range shall continue to receive the same salary.
- (d) An employee whose position is reclassified to a class having a higher salary range shall receive a one-step increase or an increase to the minimum step of the new pay range, whichever is higher. If his position is reclassified to a lower pay range and the employee is receiving a salary 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 7. Pay Rates in Salary Range Revisions.**

When 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 shall 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 8. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid a pro-rated amount determined by converting the established salary for this position to an hourly rate.

### Section 9. Overtime

Overtime work shall be that work performed by an employee which exceeds the number of hours set forth in **Appendix B** as constituting the established work week for the employee's position. Sick leave and annual leave taken during a work week shall not count as hours worked.

Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift regardless of age, sex, race, color, creed, religion, national origin, political affiliation, or physical handicap.

Employees required to work overtime may be compensated with time off or paid for such overtime on the basis of one and one-half times the overtime hours worked provided that:

- (a) the work is of an unusual, unscheduled, or emergency nature and is directed by the department head or the authorized representative of the department head;
- (b) the position does not involve administrative, professional or managerial work excluded from these overtime provisions by the **Fair Labor Standards Act**;
- (c) compensatory time off shall be granted whenever feasible and taken within a reasonable length of time as established by the department head;
- (d) the maximum compensatory time which may be accrued by any affected employee shall be **480** hours (i.e., not more than **320** hours of actual overtime hours worked) for those engaged in a public safety, emergency response or seasonal activity, and **240** hours (i.e., not more than **160** hours of actual overtime hours worked) for all other employees for hours worked after **April 15, 1986**. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work;
- (e) department heads may with the prior approval of the Board of Commissioners authorize pay to employees for overtime work when

it is not feasible to permit their absence for the purpose of taking compensatory time off; and

- (f) department heads are encouraged to grant compensatory time off whenever possible to minimize any paid overtime.

#### **Section 10. Weekend and Holiday Pay for Water Superintendent and Assistant Water Superintendent**

The Water Superintendent and Assistant Water Superintendent shall receive additional compensation for operating the water plant on weekends. The additional compensation shall be determined annually by the Board of commissioners. The Water Superintendent and Assistant Water Superintendent shall receive one-half of the rates paid during normal weekend duty for work required on all days observed as paid holidays by the county.

#### **Section 11. Payroll Deductions**

Only payroll deductions specifically mandated or authorized by Federal or State act or authorized by the Board of Commissioners may be deducted at each pay period from each employee's pay.

#### **Section 12. Travel Expenses**

No allowances or supplements in any form or from any source shall be paid to any employee for travel expense, subsistence, automobile expense or depreciation or any other expense unless the same type and kind of additional allowance or supplement shall be paid to all employees of the agency having or incurring substantially similar expense in the performance of their official duties. When attending a required job-related function, the employee shall receive reimbursement for subsistence, mileage, and any related expenses as set forth in **Appendix C** upon documentation by receipts and approval by the department head regardless of the location of the function.

The amounts allowed for mileage reimbursement and subsistence shall be determined annually by the Board of Commissioners as set forth in **Appendix C**. When an employee is required to attend any function on behalf of the County where expenses would exceed the subsistence allowance as stated in **Appendix C**, the employee may receive reimbursement for actual expenses with approval of the department head as documented by receipts.

**ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

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

It is the policy of Pasquotank County to foster, maintain and promote equal employment opportunity. An active recruitment program will be conducted to secure applicants and to select employees on, the basis of applicant's qualifications and without regard to age, sex, race, color, creed, religion, political affiliation or national origin except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary for job performance. Applicants with physical handicaps; shall be given equal consideration with other applicants for positions in which their physical handicaps do not represent an unreasonable barrier to satisfactory performance of duties. Selections should fairly consider and encourage minorities, women, and the handicapped or other groups that are substantially under-represented in the jurisdictional work force. Pasquotank County has developed and adapted an **Affirmative Action Plan** as set forth in **Appendix D**. This plan should be referred to when considering appointments in departments that are historically underrepresented by the above cited groups.

**Section 2. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment shall follow specified procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on county government premises in places where notices are customarily posted, and within agencies separate from central county government at places within those agencies where notices are customarily placed. All job vacancies posted will carry the statement relative to equal opportunity.

**Section 3. Recruitment**

Local departments will meet their workforce needs through systematic recruitment and career support programs which identify, attract, select and develop the human resources necessary for present and future work.

The employment of individuals will be carried out with forethought for the balance of skills needed to sustain growth and assure future leadership. Programs and practices which foster internal advancement opportunities for current employees will be supported and encouraged.

When vacancies occur in county government it will be the policy of the county to recruit from within the active employees of the county before consideration of other applicants. When it has been determined that there are no potential or suitable applicants from within the local county government (in the case of Social Services, within the comprehensive Social Services System also), recruitment will be made from outside the system. If it appears that there are no qualified individuals in county government to consider for filling a vacancy, recruitment can occur simultaneously within and outside of county government to prevent delay in filling a vacant position.

When recruiting from within the local county system, department heads will provide notice of job vacancies to the office of the County Manager. The notice will be posted on the bulletin board for county employees and shared with other county department heads for distribution to the staff of all county government as appropriate or applicable. All notices shall contain the following information:

- (a) Job title
- (b) Salary range and salary to be paid
- (c) Description of work and examples of duties performed
- (d) Minimum education and experience required
- (e) Other requirements (if applicable)
- (f) Method of recruitment to be used
- (g) Termination of recruitment period
- (h) Procedures for applying
- (i) Location of job (site where work will be performed and conditions of employment)
- (j) Nature of business of the organization
- (k) Hours and days of work
- (l) Type of position
- (m) Any other information that is considered essential/useful in recruiting applicants

All notices shall be conspicuously posted in places on county government premises where notices are customarily posted and are accessible to county employees.

Interviews with applicants shall follow a specified procedure to assure non-discrimination and ensure proper procedures for selecting staff. All positions for employees of local social service departments shall be filled through a competitive system of selection.

#### **Section 4. Job Advertisements**

Fair treatment of applicants and employees will be assured in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the Federal Equal Opportunity and Non-Discrimination Laws. All notices of vacancies, all employment advertisements and all information relative to the recruitment of county staff shall contain assurances of equal opportunity and shall comply with state and federal statutes regarding discrimination in employment matters. All recruitment notices will bear the statement that Pasquotank County is an Equal Opportunity Employer. For information on posting of vacancies, refer to **Article IV - Recruitment and Employment, Section 3 - Recruitment.**

#### **Section 5. Applications for Employment**

Persons applying for a local vacancy must complete and submit the official application form designated by the hiring authority.

#### **Competitive Services Positions**

Applicants for Competitive Services positions who are not currently county employees will secure and file the state application form with the Employment Security Commission. Applicants for Competitive Services positions who are currently employed with local county government or employed by another social services agency will secure an application form and file the application with the employing unit.

It is not necessary for an agency or unit to accept applications in the absence of an actual vacancy or when a vacancy is not posted for recruitment. Vacancies not posted are considered closed for recruitment, for example, vacancies where funds are frozen or there is no intent to fill a vacant position due to extenuating circumstances.

Each agency shall be responsible for evaluating the accuracy of statements made in an application, and may seek job related evidence of the applicant's suitability for employment.

An applicant may be disqualified from consideration if he/she:

- lacks any of the preliminary qualifications established for the class or the position for which the applicant is applying.
- has been convicted of a crime of such a nature that would raise serious public doubt about suitability for the responsibilities of the specific position.
- has made a false statement of material fact in the application process.
- has used or attempted to use political pressure or bribery to secure an advantage in the selection process.
- has failed to submit an application correctly or within the prescribed time limits.
- has directly or indirectly obtained information concerning any required selection procedure to which an applicant is not entitled.
- lacks the physical or mental ability to perform the essential duties of the position even with reasonable accommodations.
- is an immediate family member of a presently employed staff person in the same local unit or department and such employment would result in one supervising a member of his immediate family or being thus supervised; is applying for a position where the position would have influence over or be influenced by a member of an applicant's immediate family in such areas as employment, promotion, salary, administration and other related management matters. The term immediate family refers to that degree of closeness of relationship that would suggest that problems might be created within the work unit, or that the public's philosophy of fair play in providing equal opportunity for employment to all qualified individuals would be violated. In general, this would include wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, step-father. It might also include others living within the same household or otherwise closely identified with each other as to suggest difficulty may develop.

- holds an office or has other employment which could constitute a conflict of interest with the public responsibility vested in the position being sought. Determination of conflicting employment will be made by the department head and the Pasquotank Board of Commissioners or in the case of Social Service applicants, by the Director of Social Services and state personnel as is appropriate.

### **Section 6. Appeal from Disqualification**

A disqualified applicant shall be notified of the action and the reasons for his disqualification. Disqualifications of applicants for Social Services positions are final as disqualifications are determined by the North Carolina State Personnel System. If a disqualified applicant alleges discrimination he/she would file charges with the North Carolina State Personnel Commission.

In other county government positions, a disqualified applicant may appeal to the County Manager and ultimately to the Pasquotank County Commissioners for reconsideration of his/her qualifications. If an examination is required for competition the applicant may be admitted on a conditional basis pending consideration of the appeal; however, the examination score will not be recorded until a determination is made that the applicant is qualified. The Board's decision with respect to any such appeal is final. In cases where discrimination is alleged, the applicant would file as appropriate under the **Title VI Civil Rights Act of 1964 as Amended, the Equal Opportunity Employment Act of 1972, and The Age Discrimination in Employment Act of 1967 as Amended, and the Rehabilitation Act of 1973 as Amended.**

In all cases of appeals that do not involve discrimination, written notice of request for appeal shall be given to the department head not more than seven (7) calendar days after date of notification. In cases of appeals alleging discrimination, procedures and time frames for filing appeals are specified in the appropriate Titles and Acts relative to the alleged type of discrimination.

### **Section 7. Application Reserve File**

Applications considered, but not selected, shall be retained for at least two years, this is in accordance with Equal Employment Opportunity Commission guidelines. To the extent practical, reference to the files shall be made periodically to ensure that equal consideration is given to all applicants. This also provides a pool of persons who have been considered and whom the employment unit may wish to consider again in the future for job vacancies.

## **Section 8. Qualification Standards**

Applicants, potential employees and employees being considered for a vacancy shall meet the employment standards established by the position classification and such other reasonable minimum standards of character, aptitude, ability to meet the public and physical conditions as may be established and required in order to perform the job. The applicant must possess at least the minimum education and experience requirement or their equivalent for the class of the position to be filled.

## **Section 9. Selection**

The selection of an applicant to be appointed should in all regards be based upon criteria that are specifically job related. A variety of approaches may be used, including the structured interview, job sampling, written tests, oral examinations and other criteria when based on the key tasks of the job. The selection process will also involve screening, reference checking and completion of the introductory period.

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education, and experience, knowledge, skills, character, physical fitness and other qualifications required for positions in the service of the county. All selection devices administered by the county or by persons or agencies for the county shall be valid measures of job performance.

If oral examination boards are utilized, the County Manager shall be responsible for the appointment of two or more persons who have an interest in the selection of efficient governmental personnel, and who are qualified on the basis of technical familiarity with the specific subject matter area or general ability in personnel evaluation.

The Director of Social Services will be responsible for appointments to examination boards in cases of applicants for competitive services positions in that agency.

## **Section 10. Appointments**

In making appointments the applicant possessing the best qualifications for the specific position shall be appointed. Written documentation should accompany decisions for appointment. If other applicants possess comparable qualifications and if the county would continue any historical discriminatory employment practices by

automatically appointing a certain applicant without considering other applicants, the county must carefully consider the qualifications of other applicants in filling the position.

In filling vacancies in local government, the department head shall forward the applicant's completed application form to the County Manager with a recommendation concerning the classification of the position to be filled, the salary to be paid and the reasons for selecting the particular applicant over others. After investigating the qualifications and experience of the applicant, the County Manager shall approve or reject the appointment and determine the classification and starting salary of the employee.

In filling competitive services vacancies, the Director of the Department of Social Services shall make appointments following procedures specified by the North Carolina State Personnel Commission.

The Sheriff and the Register of Deeds shall make the appointment and the County Manager will determine the classification and starting salaries of new employees in those departments in accordance with the position classification and pay plan.

By authority of Chapter **153A-103 of the North Carolina General Statutes**, 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 11. - Probationary Period of Employment**

All employees hired by Pasquotank County shall serve a six-month probationary period. Employees hired under competitive services shall serve a nine-month probationary period unless the employee is hired in a position which that employee has already served the probationary period. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period with no appeal rights (except in the case of discrimination) if found to be performing assigned duties unsatisfactorily or exhibiting unacceptable personal conduct, or for any other reason considered detrimental to the employment unit or to operations of the employing unit.

All regular employees required to work more than **1,000** hours per year, after having satisfactorily completed the probationary period, shall receive benefits of participation in the retirement system. All regular employees serving the probationary period shall receive the

benefits of holidays, sick leave and vacation leave commencing with the date of employment.

Any employee that previously worked full-time for twelve **(12)** continuous months for Pasquotank County and left service in good standing, or transferred from the State or another county in North Carolina, may qualify for regular status and thereby be eligible immediately for entry into the retirement system and other benefits.

During the probationary period, regular conferences will be held with the employee and documented in writing. Formal conferences should be held at the end of each quarter and ongoing conferences held each month. Before the completion of the probationary period, department heads shall indicate in writing to the County Manager the following:

- (1) That the employee has had regular conferences with the immediate supervisor where job related progress has been discussed.
- (2) That the new employee is or is not performing satisfactory work.
- (3) That the probationary period should be considered completed or extended.
- (4) That the person should be made a regular employee and retained or released, transferred or demoted.

The Sheriff and Register of Deeds are not required to file such a report. In the case of competitive services employees, the Director of Social Services will follow procedures as specified by the North Carolina Personnel Commission,

The probationary period may be extended beyond the six month period by the appointing authority. Rejection of entry into the retirement system may accompany the extended probationary period if determined to be appropriate. No person shall remain on probation for more than one year and in the case of competitive services employees, no longer than nine **(9)** months.

### **Section 12. Promotion**

- (a) Candidates for promotion shall be chosen on the basis of their qualifications and their work records - without regard to age, sex, race, color, creed, religion, political affiliation, national origin or physical handicap. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.

- (b) Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the county. However, consideration should be given to all qualified applicants who may have been the objects of historical discrimination.
- (c) If a current county employee is chosen for promotion, the supervisor shall forward the employee's name to the County Manager with recommendations for classification and salary and reasons for selecting the employee over other applicants. After considering the supervisor's comments, the County Manager shall make the appointment and determine the classification and starting salary. In the Sheriff's Department and Register of Deeds office, the respective department head will forward the employee's name to the County Manager with recommendations for classification and salary. In the case of competitive service employees, the Director of Social Services will follow procedures as specified by the North Carolina Personnel Commission.

### **Section 13. Transfer**

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer which shall be subject to the approval of the County Manager. Any employee transferred without his having requested it, may appeal the action in accordance with the grievance procedure, or if discrimination is alleged, in accordance with the appeals procedure.

In the case of competitive services transfers, the Director of Social Services shall follow procedures as specified by the North Carolina Personnel Commission.

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.

### **Section 14. Requested Demotion**

Any employee who wished to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct. Such a demotion is subject to the approval of the appointing authority who will determine classification and salary with approval of the County Manager or in the case of competitive services employees, according to provisions of the North Carolina Personnel Commission.

**ARTICLE V. CDNDITIONS OF EMPLOYMENT**

**Section 1. Workweek**

Full-time employees normally work five **(5)** eight **(8)** hour days per workweek which will run from **12:01** AM Monday until **12:00** midnight Sunday, and are subject to the overtime provisions set forth in Article III, Section 9. Employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties. Law enforcement officers shall work **171 hours** in a **28** day work period before becoming subject to overtime provisions.

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 2. Gifts and Favors**

- (a) No official or employee of the county shall accept any gift, whether in the form of service, loan, thing or promise from any person who to the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the county.
- (b) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.
- (c) No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

**Section 3. Political Activity Restricted**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall **(1)** engage in any political or partisan activity while on duty; **(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 for employment, promotion, or tenure of office to contribute funds for political or

partisan purposes by another employee of the county; or **(4)** use any supplies or equipment of the county for political or partisan purposes.

Competitive service employees and employees in certain federally-aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting **(2)**, **(3)**, and **(4)** above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

#### **Section 4. Outside Employment**

The work of the county will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported, to the employee's department head who in turn will report potentially conflicting employment to the County Manager and/or appointing authority. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

#### **Section 5. Limitation of Employment of Relatives**

The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist.

- (a)** Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- (b)** This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- (c)** Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- (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 as required by **Chapter 153A-103 (1) of the North Carolina General Statutes.**

**ARTICLE VI. LEAVES OF ABSENCE**

**Section 1. Holidays**

Employees and other officers of the county working the basic workweek shall receive the same holidays with pay as those observed by the State of North Carolina.

Holiday leave earned by employees having a workweek with fewer hours than the basic workweek, but at least **20** hours per workweek, shall be determined in accordance with the formula set forth in **Section 18** of this Article, if the employee was scheduled to work on the holiday.

In order to be eligible for holiday pay, a temporary county employee must have worked the full regularly scheduled workday before and after the holiday.

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

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

**Section 3. Holiday - When Work Required**

Employees required to perform work on regularly scheduled holidays must be granted compensatory time off or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. Compensatory time shall be granted whenever feasible and must be taken within a reasonable length of time and when it will least interfere with the efficient operation of the department as established by the department head.

**Section 4. Annual Leave**

Annual leave may be used for a meaningful break from the workplace or for any personal or medical reason.

**Section 5. Annual Leave - Temporary/Employees**

A temporary employee shall receive no annual leave benefits. Any leave taken shall be leave without pay granted by the department head or appointing authority.

**Section 6. Annual Leave - Manner of Accumulation**

Any regular employee working the basic workweek shall earn annual leave at the following rates:

<u>Years of Aggregate Service*</u>	<u>Hours Earned Each Month</u>	<u>Hours Earned In One Year</u>	<u>Days Earned In One Year</u>
0 mos. to 2 years	6 hrs. 40 min.	80	10
2 years to 4 years	7 hrs. 20 min.	88	11
4 years to 6 years	8 hrs.	96	12
6 years to 9 years	9 hrs. 20 min	112	14
9 years to 12 years	10 hrs. 40 min.	128	16
12 years to 15 years	12 hrs.	144	18
Over 15 years	13 hrs. 20 min.	160	20

\*The number of years that the employee has paid into the state or county retirement system, or been employed with Pasquotank County.

Annual leave earned by regular employees having a workweek with fewer hours than the basic workweek, but at least **20** hours per workweek, shall be determined in accordance with the formula set forth in **Section 18** of this Article.

For the first and last month of employment, regular employees working less than a full month shall earn annual leave on a pro-rata basis.

#### **Section 7. Annual Leave - Maximum Accumulation**

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated annual leave shall not exceed **240** hours. On December 31 any employee with more than **240** hours of accumulated leave shall have the excess accumulation cancelled so that only **240** hours are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time. If any employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having leave scheduled or in receiving any exception to the maximum accumulation.

#### **Section 8. Annual Leave-Manner of Taking Leave**

Annual leave may be taken as earned by a regular employee subject to the approval of the supervisor and/or department head.

**Section 9. Annual Leave - Previous Leave Credit**

Annual leave credit accumulated by each employee as of the adoption of this personnel administration policy shall be retained as of the effective date of this policy.

**Section 10. Annual Leave - Terminal Pay and Repayment of Annual Leave**

An employee who is separated from county employment shall be paid for annual leave accumulated to the date of separation not to exceed a maximum of **240** hours. Any annual leave owed the county shall be deducted from the employee's final compensation.

**Section 11. Annual Leave - Payment of Accumulated Annual Leave upon Death**

The estate or designated beneficiary/beneficiaries of an employee who dies while employed by the county shall be entitled to payment for all of the accumulated annual leave credited to the employee's account not to exceed a maximum of **240** hours.

**Section 12. Sick Leave**

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work might jeopardize the health of others. Sick leave may be used for death or illness in the employee's immediate family but may not exceed three **(3)** days for any one occurrence, except by special permission from the department, head, which shall not exceed five **(5)** days.

Immediate family shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two **(2)** hours after the beginning of a scheduled workday.

**Section 13. Sick Leave - Manner of Accumulation**

Any regular employee working the basic workweek shall earn sick leave computed at the following rate:

<b><u>Hours Earned Each Month</u></b>	<b><u>Hours Earned Each Year</u></b>	<b><u>Days Earned Each Year</u></b>
8 hrs.	96 hrs.	12

Sick leave earned by regular employees having a workweek with fewer hours than the basic workweek, but at least **20** hours per workweek, shall be determined in accordance with the formula set forth in **Section 18** of this article. The department head may advance sick leave to an employee who has exhausted sick leave because of a major operation or illness with the approval of the Board of Commissioners.

**Section 14. Sick Leave - Maximum Accumulation**

Sick leave will be cumulative for an indefinite period.

**Section 15. Sick Leave - Physician's Certificate**

The employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave to insure that there is no abuse of sick leave privileges.

**Section 16. Sick Leave - Retirement Credit for Accumulated Sick Leave**

One **(1)** month of retirement credit is allowed for each twenty **(20)** days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Government Employees' Retirement System.

**Section 17. Sick Leave - Previous Leave Credits**

Sick leave credits accumulated by each county employee shall be retained as of the effective date of this policy. Sick leave credits accumulated by an employee while employed by another state or local government agency in North Carolina may be transferred to the county upon verification in writing by the previous agency.

**Section 18. Calculation of Holiday Leave, Annual Leave, and Sick Leave**

Holiday leave, annual leave, and sick leave earned by regular employees having a workweek with fewer hours than the basic workweek, but at least **20** hours per workweek, shall be determined in accordance with the following formula:

- (a) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek.
- (b) The proportion obtained in step **(a)** shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- (c) The number of hours in step **(b)**, divided by twelve, shall be the number of hours of leave earned monthly by the employees concerned.

**Section 19. Leave Without Pay - Policy**

An employee may be granted a leave of absence without pay for up to one (1) year by the appointing authority. The leave shall be used for reasons of personal disability, continuation of education, parental leave, special work that will permit the county to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Board of Commissioners. If an employee wishes to retain all accumulated sick leave and annual leave, leave without pay may be requested for an entire period.

The employee shall apply in writing to the supervisor for leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay, unless due to budgetary cuts, a position is no longer available. If the employee decides not to return to work, the supervisor should be notified in writing. The supervisor shall report this decision to the appointing authority. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

**Section 20. Leave Without Pay - Retention and Continuation of Benefits**

An employee shall retain all unused annual and sick leave while on leave without pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be

eligible for benefits under the county's group insurance plans at the employee's expense and subject to any regulations adopted by the Board of Commissioners and the regulations of the respective insurance carriers.

### **Section 21. Workmen's Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workmen's Compensation Act may receive Workmen's Compensation benefits and elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his regular salary and the payments received under the Workmen's Compensation Act. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workmen's Compensation. Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workmen's Compensation Act.

### **Section 22. Military Leave**

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed fifteen (15) workday's military training leave annually with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a county employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a county employee. The effect will be to maintain the employee's salary at the usual level during this period, If such military duty is required beyond this fifteen (15) workday period, the employee shall be eligible to take accumulated annual leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the county during this period. Regular employees who are guardsmen and reservists have all job rights specified in the **Veterans Readjustment Assistance Act.**

### **Section.23 Civil Leave**

A county employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without

charge to accumulated annual or sick leave. An employee shall return fees received for jury or witness duty to the county with the exception of travel allowances provided by the court. While on civil leave, benefits and leave shall accrue as though on regular duty.

**Section 24. Educational Leave with Pay**

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one (1) course which will better equip the employee to perform assigned duties upon the recommendation of the department head, and with the approval of the appointing authority. An employee may receive reimbursement for one (1) course at a time taken outside of working hours which will better equip the employee to perform assigned duties, subject to the approval of the department head and the appointing authority. The county shall reimburse the employee for tuition, fees, and books for the course, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better) of the course.

Educational leave at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee to take a course that will better equip him to perform assigned duties upon the recommendation of the department head and the appointing authority with the approval of the Board of Commissioners. An employee granted such extended educational leave with pay shall agree to return to the service of the county upon completion of training and remain in the employ of the county for a period equivalent to the educational leave received, or the employee shall reimburse the county for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which county employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

**ARTICLE VII. DISCIPLINARY ACTION, SEPARATION, AND REINSTATEMENT**

**Section 1. Types of Separation**

Employees separated from positions in service of the county shall fall under one of the following designations and shall be accomplished according to procedures as specified below. All separations will fall under these criteria.

- (1) dismissal

- (2) suspension
- (3) demotion
- (4) reduction-in-force
- (5) resignation
- (6) retirement
- (7) disability
- (8) death

## **Section 2. Disciplinary Action**

In any organization, good relations between management and the employee is based on mutual trust and respect. Pasquotank County provides a mechanism that assures the protection of the rights of employees as well as assuring that the county provides quality services. It is the intent of the county to provide for employees and management a fair, clear and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling instances of unacceptable personal conduct.

### **Disciplinary Procedure**

The disciplinary process is a specific procedure which is followed in all actions related to reprimand, suspension, demotion or dismissal. Disciplinary action is based on inadequate performance of duties or unacceptable personal conduct. The department head or designee of the department head shall adhere strictly to the steps specified in the disciplinary process to include such responsibilities as verbal and written warnings specifying areas where corrective action is needed, conferences to implement corrective action plans and final oral and written notice that include reasons for action, effective date and appeal rights available to the employee when suspension, demotion or dismissal occurs.

Pasquotank County has a disciplinary procedure which follows the same procedure as spelled out under the rules and regulations of the State Personnel Commission as set forth in the Personnel Policies for Local Government subject to the **State Personnel Act.**

Areas of disciplinary action fall into one of two categories:

#### **A. Job Performance**

Discipline imposed on the basis of job performance. (For use in addressing performance related inadequacies for which a reasonable person would expect to be notified of and allowed an opportunity to improve) Examples could include, but are not limited to the following:

- (1) inefficiency or incompetency in the performance of duties.
- (2) negligence in the performance of duties.
- (3) careless, negligent or improper use of county property or equipment.
- (4) failure to maintain satisfactory and harmonious working relationships with the public and employees.
- (5) absence without approved leave.
- (6) habitual improper use of sick leave privileges.
- (7) habitual pattern of failure to report for duty at the assigned time and place.
- (8) failure to obtain or maintain a current license or certificate required by law as a condition for performing the job.

In the area of job performance, warnings administered are intended to bring about a permanent improvement in job performance. Employees who are dismissed for unsatisfactory job performance shall receive at least three warnings: first, one-and not to exceed two-oral warnings with documentation in the employee's personnel record; second, a written warning to the employee documenting all relevant points covered in the disciplinary discussion; third, a final written warning which notifies the employee that failure to make the required performance improvements may result in dismissal.

#### **B. Personal conduct**

Discipline imposed on the basis of personal conduct (intended to be imposed for those actions for which no reasonable person could or should, expect to receive prior warnings). Examples could include, but are not limited to the following:

- (1) guilty of gross misconduct unbecoming a county officer or employee.
- (2) conviction of a felony.
- (3) guilty of immoral conduct or a criminal act.
- (4) misuse of county funds.
- (5) falsified job information to secure position.
- (6) participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, or department or any other segment of county government.
- (7) trespassing in the home of any county official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.
- (8) willful damage or destruction of property.
- (9) willful acts that would endanger the lives and property of others.
- (10) possession of unauthorized firearms or lethal weapons on the job.

- (11) brutality in the performance of duties.
- (12) refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- (13) reporting to work under the influence of alcohol or drugs, or partaking of such things on the job.
- (14) acceptance of gifts in exchange for "favor" or "influence".
- (15) betrayal of confidential information from official records.
- (16) engaging in incompatible employment or serving a conflicting interest.
- (17) taking part in political management or in political campaigns prohibited by law.

In the area of personal conduct, employees may be dismissed, demoted, suspended, warned or otherwise disciplined on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the employee.

Before an employee is dismissed a pre-dismissal conference is held with management and the employee. No attorneys or other such representatives for either party shall be present at this conference; although a witness or security personnel may be present if management deems it necessary.

After this conference, management may proceed with formal dismissal if deemed justifiable. Formal dismissal is a written notice which includes the specific reasons for dismissal and the employee's right of appeal.

### **Section 3. Dismissal**

Dismissal occurs after all phases of the disciplinary process have been exhausted and there is no correction of the problem or situation which created the need for intervention.

A trainee, temporary, provisional or introductory employee may be dismissed by the appointing authority at any time due to work performance or personal conduct. Employees in this category do not have rights of appeal to the State Personnel Commission in the case of competitive services employees or to the County Commissioners in the case of all other county employees.

A regular employee who has successfully completed the introductory status cannot be dismissed, suspended or reduced in pay or position, except for just cause. In cases of disciplinary action the employee shall, before the action is taken, be furnished with a statement in

writing detailing the specific acts or omissions that are the reasons for the disciplinary action.

Any Social Services employee may be warned, demoted, suspended or dismissed by the appointing authority who is the Director of the Agency. The degree and type of action in the disciplinary process shall be based on sound and considered judgment of the appointing authority in conjunction with the policies, rules and regulations of the **State Personnel Act** in the case of competitive services employees and the personnel ordinance.

All other county employees may be warned or suspended by the head of the respective department. Any county employee may be demoted or dismissed by the respective department head with the approval of the County Manager. County department heads may be warned, suspended, demoted or dismissed by the County Manager with the approval of the Board of Commissioners with the exception of the Sheriff, and Register of Deeds who are elected and the Director of the Department of Social Services who is selected and dismissed by the Social Services Board.

#### **Section 4. Suspension**

Any employee may be suspended for either investigatory or disciplinary reasons. Suspension is without pay and provides a time for "cooling off", to investigate or establish the facts of a situation and to reach a decision concerning an employee's status.

Suspension may be used to avoid undue disruption of work or to protect the safety of persons or property. The employee is informed in writing of specific acts or omissions that are the reasons for the suspension and the employee's right of appeal.

An employee who is suspended shall be relieved temporarily of all duties and responsibilities. The employee shall be notified at once and requested to leave the county property and remain away until further notice. The department head shall notify the County Manager immediately. The Social Services Director may choose to notify the Social Services Board as well as the office of the County Manager. A written summary shall be provided to the employee in person when possible and a copy filed in the employee's record. When this is not feasible, the written notice shall be delivered to the employee by certified mail at the last known address. This notice should include beginning date of suspension, reasons for action, and brief descriptions of plans/procedures for problem resolution, dates and details of actions taken, and appropriate signatures. All correspondence and necessary documentation will be filed in the employee's record.

An employee may be suspended for disciplinary reasons related to performance of duties or personal conduct. An employee may also be suspended to provide time to investigate a situation, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. An investigatory suspension without pay shall not exceed forty-five **(45)** calendar days unless the county agency, in the exercise of its discretion, extends the period of investigatory suspension without pay beyond the forty-five **(45)** days limit. The employee must be informed in writing of the extension, the length of the extension, the specific reasons for the extension and the right of appeal.

If no action has been taken by management at the end of the forty-five (45) calendar days, and no extension has been made, one of the following must occur:

- reinstatement of the employee with full back pay.
- appropriate disciplinary action based on the results of the investigation.
- reinstatement of the employee with up to three days pay deducted from the back pay. Such determination is based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension.

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

An employee may be suspended without pay for disciplinary purposes for causes relating to any form of personal conduct or in conjunction with a final written warning for performance of duties. A disciplinary suspension without pay must be for at least one full working day, but not more than three **(3)** working days.

Failure of the employee to report back to work when requested or at the expiration date will be considered to have terminated his employment, and any subsequent reinstatement or re-employment would be on the basis of new employment.

### **Section 5. Demotion**

Any employee may be demoted. Demotion may be made on the basis of unsatisfactory job performance or unacceptable personal conduct. In the area of job performance, the employee must receive at least two

prior warnings on performance with at least one warning in writing. In the area of personal conduct, an employee may be demoted for unacceptable conduct without any prior warnings. Cause of demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.

An employee who is demoted must receive written notice of the specific reasons for demotion, as well as notice of appeal rights.

Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without a loss in pay. The employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. In no event shall an employee's pay be lowered below step one of his/her current pay grade, unless the employee is demoted to a lower classification.

### **Section 6. Reduction in Force**

For reasons of curtailment of work, reorganization, or lack of funds, the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service and relative efficiency. No permanent employee shall be separated while there are emergency, intermittent, temporary, probationary or trainee employees in their initial six or nine months of the trainee progression serving in the same or related class, unless the permanent employee is not to transfer to the position held by the non-permanent employee.

Pasquotank County Department of Social Services has a specific policy that provides procedural actions to be taken in the event a reduction in force becomes necessary. When reduction in force occurs in Social Services, this policy will be implemented. Policy is attached as an addendum to this Personnel Ordinance.

In the event that reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance in other county positions, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two **(2)** weeks notice of anticipated lay-off.

### **Section 7. Resignation**

A minimum of two weeks notice is expected of all resigning personnel, preferably longer when possible. Notice of resignation should be addressed to the department head. Department heads would submit their notice of resignation to the County Manager with the exception of the

Director of Social Services who would submit notice to the Social Services Board.

**Section 8. Disability**

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the county but in all cases it shall be supported by medical evidence as certified by a competent physician. The county may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county's service for which the employee may be suited.

**Section 9. Death**

All compensation due in accordance with this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due. All county employees are covered by a life insurance policy of a maximum of \$10,000.00 to be paid to the estate of a specified beneficiary. If killed by accident this, policy has a double indemnity clause. If an individual dies in service all retirement benefits will be paid to the estate or a specified beneficiary.

**Section 10. Reinstatement**

Any employee who resigns while in good standing or who is separated while in good standing because of a reduction in force may be reinstated within one **(1)** year of the date of separation, with the approval of the department head and the appointing authority. An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. An employee returning from military leave must be reinstated to the same salary step corresponding in number to that from which he was separated. This enables him to receive all increases in the salary plan occurring during his military service.

An employee being reinstated may receive any merit increases for which he is eligible, except that his salary shall not exceed the maximum of the current salary range for his classification.

**ARTICLE VIII. GRIEVANCE PROCEDURE, DISCRIMINATORY AND ADVERSE ACTION APPEAL FOR GENERAL COUNTY EMPLOYEES**

**Section 1. Grievance and Adverse Action - Definitions**

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment. An adverse action is a demotion, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension. Examples of causes for adverse action are listed in this procedure.

**Section 2. Grievance Procedure and Adverse Action Appeal - Policy**

In order to maintain a harmonious and cooperative relationship between the county and its employees, it is the policy of the county to provide for the settlement of problems and differences through an orderly grievance procedure. Every permanent employee shall have the right to present his problem, grievance or adverse action appeal in accordance with the established policy free from interference, coercion, restraint, discrimination, or reprisal.

It is the responsibility of supervisors at all levels, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance or adverse action appeal of any employee.

In adopting this policy, the county sets forth the following objectives to be attained in this program:

- Assure employees of a way in which they can get their problems or complaints considered rapidly, fairly, and without fear of reprisal.
- Encourage the employee to express himself about how the conditions of work affect him as an employee.
- Get better employee understanding of policies, practices, and procedures which affect them.
- Provide employees with assurance that actions are taken in accordance with policies.
- Provide a check on how policies are carried out by supervisors.
- Give supervisors a greater sense of responsibility in their

dealings with employees.

**Section 3. Grievance and Adverse Action Appeal Procedure -  
Non-Discrimination**

Any regular county employee having a problem or grievance arising out of or due to his employment and who does not allege discrimination because of his age, sex, race, color, national origin, religion, creed, physical disability, or political affiliation shall first discuss his problem or grievance with his supervisor and follow the grievance and adverse action appeal procedure established by the county.

**Step One.** The employee with a grievance or adverse action appeal shall present the matter in writing to his immediate supervisor within thirty **(30)** working days of its occurrence or within thirty **(30)** working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date cannot be established for the occurrence of a grievance circumstance, the thirty **(30)** working day limit will be waived, but the employee should file the grievance within a reasonable time period. The supervisor should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five **(5)** working days.

**Step Two.** If the decision is not satisfactory to the employee in Step 1, or if he fails to receive an answer within the designated period provided in Step 1, he may file the grievance in writing within ten **(10)** working days with the department head, who shall hear the grievance and render a decision in writing within a maximum of ten **(10)** working days. For employees in the Sheriff's Department and the Register of Deeds Office, there shall be no appeal beyond the decision of the respective department head.

**Step Three.** If the decision is not satisfactory to the employee in Step 2, or if he fails to receive an answer within the designated period provided in Step 2, he may file the grievance in writing with the County Manager. The County Manager shall hear the grievance and render a decision in writing within five **(5)** working days.

**Step Four.** If the decision is not satisfactory to the employee in Step 3, or if he fails to receive an answer within the designated period provided in Step 3, he may file the grievance in writing with the County Board of Commissioners within ten **(10)** working days. The Board of Commissioners shall review the case data, consult with whatever sources it deems appropriate and give an answer in writing within ten

(10) working days with one copy sent to the employee by certified mail. There shall be no appeal from this decision by the Board of Commissioners.

**Section 4. Grievance and Adverse Action Appeal Procedure - Discrimination**

Any applicant for county employment, county employee, or former county employee who has reason to believe that employment, promotion, training, or transfer was denied him or that demotion, layoff, or termination of employment was forced upon him because of his age, sex, race, color, national origin, religion, creed, political affiliation, or physical disability except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the County Board of Commissioners. A regular county employee has the right to appeal using the grievance procedure outlined in **Section 4** of this article if he so desires. An employee or applicant must appeal an alleged act of discrimination within thirty **(30)** days of the alleged discriminatory action.

**Section 5. Back Pay Awards**

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal, and discrimination cases.

**ARTICLE IX. COMPETITIVE SERVICE EMPLOYEES APPEAL PROCESS AND GRIEVANCE PROCEDURE**

**Section 1. Appeals Policy**

This policy provides appeal procedures for employees who have regular status with the Pasquotank County Department of Social Services who have been demoted, suspended, dismissed, reduced in pay, laid-off or who believe they have been discriminated against because of age, sex, race, religion, color, national origin, visible and non-visible handicaps, or pregnancy.

No action involving demotion, suspension or dismissal is to be taken against any employee for disciplinary reasons until such action has been recommended to and approved by the agency Director, except when, in the judgment of the supervisor, immediate suspension is necessary to protect the safety of persons or property. In no case will an employee be dismissed without the approval of the Director.

## **Section 2. Appeals Procedures**

The following successive steps must be followed in all appeal cases, except that an employee alleging discrimination shall file his/her complaint directly with the **Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, NC 27604**, as provided for in Step Three.

**Step One - Appeal to the Director.** If an employee disagrees with the action taken and wishes to appeal, he/she must file notice of appeal with the agency Director in writing, citing specific reasons for appeal, within ten **(10)** days of receipt of notification of the action. The Director shall hear the matter and render a decision within ten **(10)** days or advise the employee as to the conditions which prevent an answer within the specified time frame and inform as to when an answer may be expected. If the written notice of appeal is not filed within ten **(10)** days, it will not be considered.

**Step Two - Appeal to the Social Services Board.** An employee not having his/her appeal resolved to his/her satisfaction in Step One, and who wishes to appeal further, must request in writing, citing specific reasons for the appeal, within ten **(10)** days of receipt of the Director's decision. This notice must be mailed to the Chairman of the Pasquotank County Board of Social Services (address to be provided) with a copy to the Director. Facts surrounding the case will be presented to the Board at its next meeting and the employee may speak to the Board, if he/she so desires. After reviewing the data, the Board may consult with whatever sources it deems appropriate. The Board will render an advisory opinion to the Director. The Director will issue a decision to the employee within ten **(10)** days of the receipt of the Board's advisory opinion or advise the employee as to the special conditions which prevent an answer within the specified time frame and inform as to when a decision may be expected. If the appeal is not filed with the Board Chairman within ten **(10)** days, the appeal will not be considered.

**Step Three - Appeal to the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, NC 27604.**

If the employee is not satisfied with the decision of the Director in Step Two and wishes to appeal further, he/she must file notice of appeal with the Office of Administrative Hearings not later than thirty **(30)** days after receipt of notice. A copy of the written appeal to the Director and the Board of Social Services will be filed by the Director with the **Office of Administrative Hearings.**

If the employee is not satisfied with the final decision or is unable to obtain a final decision from the agency Director within a

reasonable length of time, he/she may file a written appeal to the Office of Administrative Hearings not later than thirty (30) days after receipt of notice of the Director's decision. The grievant shall be informed in writing that, an appeal to the **Office of Administrative Hearings** may be made by filing such a request with the **Chief, Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604**. The grievant must give Pasquotank County notice of the appeal to the Office of Administrative Hearings.

Notice must be given to the County Manager or the Chairman of the Board of County Commissioners by certified mail within fifteen days of the filing of the notice of appeal. Notice should be sent to the following address: **County Manager (or Chairman, Board of County Commissioners), P.O. Box 39, Elizabeth City, N.C. 27907. (G.S. 126-37)** The Office of Administrative Hearings shall be responsible for informing grievant wishing to appeal to the Office of Administrative Hearings of the legal requirements necessary for the hearing process which is conducted by the Office of Administrative Hearings and may assist in meeting these filing requirements providing that a timely appeal has been filed. The Office of Administrative Hearings shall also notify the local agency when it has received a request for an appeal to the Office of Administrative Hearings.

An employee alleging discrimination shall file his/her complaints directly with the Office of Administrative Hearings. The Director or his designee shall investigate the disciplinary action or alleged discrimination which is appealed to the Commission. The Office of Administrative Hearings will hear the case.

The decision of the Office of Administrative Hearings shall be binding in appeals of the local employees of Pasquotank County Department of Social Services if the commission finds that the employee has been subjected to discrimination or in any case where a binding decision is required by applicable federal standards. However, in all other local employee appeals the decision of the Office of Administrative Hearings shall be advisory only to the local agency Director.

### **Section 3. Employee Grievances**

- (a) **Purpose.** In the continuing effort to provide and maintain the best possible conditions of work for all Social Services employees and to improve cooperative and harmonious relationships among all its staff, the management of this department encourages the prompt, fair settlement of problems, differences and complaints.

- (b) **Policy.** An employee who has a problem, complaint or difference will discuss it first with his immediate supervisor. The supervisor may call higher level supervisors into the discussion if the employee agrees or, the supervisor may consult with higher level supervisors for any needed advice before giving any answer. If the employee and supervisor are unable to resolve the complaint to the satisfaction of both parties, a request to the Director by either party may be made for a final decision.

Issues covered under this policy will be considered as related to management rights and are excluded from any formal grievance and appeal process in the resolution of said issues. The Director will report complaints and their resolution to the Pasquotank County Social Services Board at the regularly scheduled board meetings or as requested by the Social Services Board.

## **ARTICLE X. EMPLOYEE BENEFITS**

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

The county provides health insurance and life insurance for all full-time regular employees. Health insurance is provided through Blue Cross and Blue Shield of North Carolina for employees only. Employees may purchase family coverage at the group rates. The life insurance provided by the county is a **\$10,000** term policy. Employees are eligible for the health insurance and life insurance after thirty days employment. Other group insurance plans including cancer insurance, health and accident insurance, and life insurance are available at group rates.

### **Section 2. Unemployment Insurance**

In accordance with **Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly**, local governments are covered by unemployment insurance effective January 1, 1978. County employees who are laid off or released from the county's service may apply for unemployment compensation through the local office of the Employment Security Commission who would determine the employee's eligibility for this benefit.

### **Section 3. Old Age and Survivor's Insurance**

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

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

The county provides retirement benefits for its employees through a retirement program with the North Carolina Local Governmental Employees Retirement System. Each employee appointed to a regular position who is required to work more than 1,000 hours per year shall be required to join the county retirement plan after completing the probationary period. Six percent **(6%)** of the employee's salary, deducted each month with a matched percentage by the county is credited to each employee's account in the retirement system. The retirement program also provides a death benefit of one year's salary up to a maximum of **\$20,000** for all county employees participating in the retirement program.

Law enforcement officers have additional retirement benefits deposited into individual accounts of the Supplemental Retirement Income Plan in North Carolina (**401K Plan**). Effective July 1, 1987, the County will deposit two percent **(2%)** of each officer's salary into an individual 401K account for that officer. Effective July 1, 1988, the county will deposit an additional three percent **(3%)** for a total of five percent **(5%)** of each officer's salary into the 401K account.

#### **Section 5. Deferred compensation**

County employees are eligible to participate in the **NACO**-sponsored Deferred Compensation Plan and the **(401K)** Supplemental Retirement Income Plan in North Carolina in accordance with the rules and regulations of both plans.

#### **Section 6. Credit Union**

All county employees are eligible for participation in the Local Governmental Employees Credit Union. The Credit Union is located in the State Employees Credit Union on Halstead Boulevard.

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

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

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the County Manager. The county shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

The following information on each county employee shall be maintained:

- (a) Name;
- (b) Age;
- (c) Date of original employment or appointment to county services;

- (d) Current position title;
- (e) Current salary;
- (f) Date and amount of most recent change in salary;
- (g) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- (h) Office to which the employee is currently assigned.

### **Section 2. Access to Personnel Records**

As required by **G.S. 153A-98**, any person may have access to the information listed in Section 1 of this article for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Access to such information shall be governed by the following provisions:

- (a) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
- (b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- (c) An individual examining a personnel record may make a written copy of the information;
- (d) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

### **Section 3. Confidential Information**

All information contained in a county employee's personnel file, other than the information listed in **Section 1** of this article will be maintained as confidential in accordance with the requirement of **G.S. 153A-98**.and shall be open to public inspection only in the following instances:

- (a) The employee or his duly authorized agent may examine all portions of his 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 his patient.

- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A county employee having supervisory authority over 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 all material in the employee's personnel file.
- (e) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- (f) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (g) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

#### **Section 4. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

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

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

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

**G.S. 153A-98** provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars.

**Section 7. Penalty for Examining and/or Copying Confidential Material without Authorization**

**G.S. 153A-98** provides that any person, not specifically authorized 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 misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of five hundred dollars.

**Section 8. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with **G.S. 121-5**, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than **ten dollars** or more than **five hundred dollars** as provided in **G.S. 132-3**.

**ARTICLE XII. IMPLEMENTATION OF POLICY**

**Section 1. Conflicting Policies Repealed**

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed,

**Section 2. Separability**

If any provision of this policy or any rule, regulations or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, - regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

**Section 3. Violations of Policy Provisions**

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

**Section 4. Effective Date**

**This policy shall become effective as of July 1, 1988.**