

ARTICLE I. DEFINITIONS.....	1
ARTICLE II. ORGANIZATION OF PERSONNEL SYSTEM	4
SECTION 1. PURPOSE.....	4
SECTION 2. COVERAGE.....	4
SECTION 3. MERIT PRINCIPLE	5
SECTION 4. RESPONSIBILITY OF BOARD OF COMMISSIONERS	5
SECTION 5. RESPONSIBILITY OF THE COUNTY MANAGER.....	5
SECTION 6. RESPONSIBILITY OF THE HUMAN RESOURCES DIRECTOR	5
ARTICLE III. POSITION CLASSIFICATION PAY PLAN	7
SECTION 1. ADOPTION	7
SECTION 2. PURPOSE.....	7
SECTION 3. COMPOSITION OF THE POSITION CLASSIFICATION PLAN.....	7
SECTION 4. USE OF THE POSITION CLASSIFICATION PLAN	7
SECTION 5. REQUEST FOR RECLASSIFICATION	8
SECTION 6. ADMINISTRATION OF THE POSITION CLASSIFICATION PAY PLAN.....	8
SECTION 7. MAINTENANCE OF THE POSITION CLASSIFICATION PAY PLAN	8
SECTION 8. HIRING RATE/STARTING SALARY.....	9
SECTION 9. PAYMENT AT A RATE WITHIN THE SALARY GRADE.....	9
SECTION 10. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION	9
SECTION 11. PAY FOR PERFORMANCE INCREASES	10
SECTION 12. PAY FOR PERFORMANCE AT MAXIMUM OF SALARY RANGE.....	10
SECTION 13. PAY FOR PART-TIME WORK.....	10
SECTION 14. SALARY OF DSS COMPETITIVE SERVICE TRAINEE.....	11
SECTION 15. OVERTIME.....	11
SECTION 16. ON-CALL/CALL BACK COMPENSATION.....	12
SECTION 17. K-9 PAY.....	14
SECTION 18. PAYROLL DEDUCTIONS.....	14
SECTION 19. PAYROLL PROCEDURE.....	14
SECTION 20. IMPROPER OR UNLAWFUL PAYROLL DEDUCTIONS.....	14
ARTICLE IV. RECRUITMENT AND EMPLOYMENT	16
SECTION 1. STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY	16
SECTION 2. JOB ADVERTISEMENTS.....	16
SECTION 3. APPLICATION FOR EMPLOYMENT.....	16
SECTION 4. APPLICATION TRACKING.....	16
SECTION 5. SELECTION.....	17
SECTION 6. EMPLOYMENT	17
SECTION 7. PROMOTION, TRANSFER AND DEMOTION	17
SECTION 8. PROBATIONARY PERIOD– EMPLOYMENT, TRANSFER, PROMOTION, AND DEMOTION	18
SECTION 9. AMERICANS WITH DISABILITY ACT (ADA)	19
ARTICLE V. CONDITIONS OF EMPLOYMENT	20
SECTION 1. WORKWEEK.....	20
SECTION 2. GIFTS AND FAVORS	20
SECTION 3. CONFLICT OF INTEREST POLICY.....	20
SECTION 4. POLITICAL ACTIVITY RESTRICTIONS.....	21
SECTION 5. OUTSIDE EMPLOYMENT.....	22
SECTION 6. LIMITATION ON EMPLOYMENT OF RELATIVES	22
SECTION 7. TRAVEL POLICY	22
SECTION 8. EMPLOYEE HEALTH AND SAFETY.....	28
SECTION 9. HARASSMENT IN THE WORKPLACE	29
SECTION 10. VIOLENCE IN THE WORKPLACE.....	31
SECTION 11. ALCOHOL AND CONTROLLED SUBSTANCE ABUSE POLICY.....	33

SECTION 12.	EMPLOYEE ASSISTANCE PROGRAM.....	44
SECTION 13.	COMPUTER USE POLICY	45
SECTION 13.	CELLPHONE AND PAGER POLICY	51
SECTION 14.	TOBACCO USE POLICY.....	51
ARTICLE VI.	USE OF COUNTY PROPERTY AND TIME.....	53
SECTION 1.	POLICY	53
SECTION 2.	VEHICLES.....	53
ARTICLE VII.	TYPES OF LEAVE	54
SECTION 1.	PAID HOLIDAYS OBSERVED.....	54
SECTION 2.	EFFECT OF HOLIDAYS ON OTHER TYPES OF PAID LEAVE	54
SECTION 3.	HOLIDAYS - WHEN WORK IS REQUIRED.....	54
SECTION 4.	LEAVE POLICY - ADVERSE WEATHER CONDITIONS	55
SECTION 5.	VACATION LEAVE	56
SECTION 6.	PROBATIONARY EMPLOYEES VACATION LEAVE	56
SECTION 7.	MANNER OF VACATION LEAVE ACCUMULATION	56
SECTION 8.	MAXIMUM ACCUMULATED VACATION LEAVE.....	57
SECTION 9.	ACCUMULATED LEAVE AT DEATH OR SEPARATION	57
SECTION 10.	SICK LEAVE	57
SECTION 11.	SICK LEAVE TRANSFER	58
SECTION 12.	SICK LEAVE RETIREMENT CREDIT	58
SECTION 13.	SICK LEAVE - SEPARATED EMPLOYEES	58
SECTION 14.	VOLUNTARY SHARED LEAVE	59
SECTION 15.	FAMILY AND MEDICAL LEAVE	62
SECTION 16.	LEAVE WITHOUT PAY	65
SECTION 17.	WORKERS' COMPENSATION LEAVE	65
SECTION 18.	MILITARY LEAVE	66
SECTION 19.	CIVIL LEAVE.....	67
SECTION 20.	EDUCATIONAL LEAVE.....	67
SECTION 21.	FUNERAL LEAVE	58
SECTION 22.	BREAKS	68
ARTICLE VIII:	SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT.....	69
SECTION 1.	TYPES OF SEPARATION	69
SECTION 2.	RESIGNATION.....	69
SECTION 3.	REDUCTION IN FORCE.....	69
SECTION 4.	REINSTATEMENT	69
SECTION 5.	DISABILITY.....	70
SECTION 6.	DEATH	70
SECTION 7.	RETIREMENT	70
SECTION 8.	DISCIPLINARY ACTIONS.....	70
ARTICLE IX.	GRIEVANCE PROCEDURE.....	75
SECTION 1.	POLICY	75
SECTION 2.	COVERAGE.....	75
SECTION 3.	PROCEDURE	75
SECTION 4.	PERSONNEL ADVISORY COMMITTEE.....	76
SECTION 5.	FINAL DECISION ON THE GRIEVANCE	76
SECTION 6.	MAINTENANCE OF RECORDS.....	77
SECTION 7.	OTHER REMEDIES PRESERVED	77
ARTICLE X.	EMPLOYEE BENEFITS.....	78
SECTION 1.	INSURANCE BENEFITS	78
SECTION 2.	RETIREMENT BENEFITS.....	78
SECTION 3.	WORKERS' COMPENSATION BENEFITS	80

SECTION 4.	LONGEVITY COMPENSATION	80
SECTION 5.	SUPPLEMENTAL RETIREMENT INCOME PLANS AVAILABLE TO LAW ENFORCEMENT OFFICERS...	81
SECTION 6.	OTHER FLEXIBLE BENEFITS.....	82
ARTICLE XI. PERSONNEL RECORDS AND REPORTS		83
SECTION 1.	PERSONNEL RECORDS MAINTENANCE.....	83
SECTION 2.	INFORMATION OPEN TO THE PUBLIC	83
SECTION 3.	ACCESS TO PERSONNEL RECORDS.....	83
SECTION 4.	CONFIDENTIAL INFORMATION	83
SECTION 5.	RECORDS OF FORMER EMPLOYEES.....	84
SECTION 6.	REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE.....	84
SECTION 7.	PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSONS.....	84
SECTION 8.	PENALTY FOR EXAMINING AND/OR COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION	84
SECTION 9.	DESTRUCTION OF RECORDS REGULATED.....	84
APPENDIX A: WATAUGA COUNTY POSITION CLASSIFICATION PAY PLAN.....		86
APPENDIX B: OBSERVED BEHAVIOR - REASONABLE SUSPICION.....		87
APPENDIX C: AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION		88
APPENDIX D: WATAUGA COUNTY REINSTATEMENT AGREEMENT.....		89
APPENDIX E: EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER FMLA.....		90

ARTICLE I. DEFINITIONS

1. Appointing Authority. Any board, elected official or position with legal or delegated authority to make hiring decisions.
2. Class. A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work performed, and which carry the same salary grade.
3. Classified Employee. An employee occupying a position that is subject to the position classification pay plan.
4. Compensatory Time. Time earned at a rate of time and one-half by a non-exempt employee for hours worked in excess of 40 hours in a workweek or in the case of law enforcement in excess of 171 hours in a 28-day cycle.
5. Competitive Service Employee. An employee of the Department of Social Services subject to the State Personnel Act.
6. Demotion. The reassignment of a classified employee for disciplinary **or performance related** reasons, **or as a result of restructuring within a County Department**, to a position or classification having a lower salary grade than the employee's current position or classification.
7. Department Head. The highest level of supervision or top administrative official of a department of county government.
8. Disciplinary Action. An action which may include written warnings, suspension, demotion and dismissal taken only for cause against employees based on personal misconduct or unsatisfactory work performance.
9. Exempt Employee. Full and part-time employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act.
10. General County Employee. A County employee assigned to a department not subject to the State Personnel Act.
11. Grievance. A claim or complaint based upon an event or condition allegedly caused by misinterpretation, unfair application, or employment conditions. A grievance may 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 requirements, or any other inequity relating to conditions of employment.
12. Hiring Rate. The salary paid an employee when hired into County service, normally the beginning rate of a grade and below midpoint.
13. Internal Hiring. The re-assignment of an employee to an existing position after following the internal hiring process. For internal hiring, the vacant position is posted three (3) days throughout all of the County departments prior to any external advertisement.
14. Maximum Salary Rate. The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

15. Non-Exempt Employee. Full- and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked or given compensatory time off in accordance with guidelines in this Ordinance. Overtime is paid or compensatory time off given to non-exempt employees for hours worked in excess of 40 hours per week. **Exception** - The official work period for sworn law enforcement and detention officers is 168 hours over a period of 28 consecutive days.
16. Non-Regular Employee. An employee hired under special circumstances in a General County Department, usually outside the normal or routine functions of the County. Length of employment can be short term or an indefinite period of time. Employee is paid on an hourly rate or a sum approved by the County Manager or his/her designee. This category of employee is not eligible for employee benefits.
17. Pay Range Revision. The raising and lowering of the salary range for one or more specific classes of positions within the classification plan.
18. Pay for Performance Increase. An increase in salary within the same salary grade, based on meritorious service and on performance of duties for the assigned position.
19. Performance Appraisal System. A system designed to document each employee’s work performance as it relates specifically to work objectives for each position as generally defined in the position’s job description.
20. Position. A group of current duties and responsibilities, assigned by competent authority, requiring the full or part-time employment of one person, but the existence of a position or its identity does not depend upon its being occupied by an employee.
21. Position Classification Pay Plan. A plan approved by the Board of County Commissioners that assigns classes (positions) to the appropriate salary grades.
22. Position Classification Pay Plan Revision. The uniform raising and lowering of the salary grade for every grade within the Position Classification Pay Plan.
23. Probationary Employee. A classified employee appointed to a regular position, who serves a probationary period.
24. Promotion. A change in employment status to a higher class that involves more complex or difficult duties and responsibilities or greater accountability and is assigned a higher salary grade.
25. Reclassification. The reassignment of an existing position from one class to another based on changes in job content such as duties, difficulty, required skills, responsibility of the work performed or change in market conditions.
26. Reduction in Force (RIF). The elimination of or reduction of a position or some portion of a position based on the needs of the organization, workload, or availability of funding.
27. Regular Employee. A classified employee who has satisfactorily completed a 6-month probationary period, trainee progression or reinstatement of qualified employee, and has been approved for regular status by his Department Head and County Manager or his/her designee. (a) Full-Time - An employee appointed to a classified position that is regularly scheduled to work at least 30 hours a week. (b) Part-Time Employee - An employee appointed to a classified position who is regularly scheduled to work at least 20 hours but less than 30 hours per work week. Regular employees in all

departments and agencies must be dismissed for cause and are informed in writing of their appeal rights.

28. Salary Grade. A range of minimum, midpoint, and maximum pay rates assigned to all classified positions. For the purpose of this definition, the words “grade,” “salary range,” and “range” are used interchangeably.
29. Separation. The resignation, reduction in force, disability, death, retirement or dismissal of an employee.
30. Temporary Employee. An employee appointed to a temporary position.
31. Time Off Earned (TOE). Employees who are exempt from the Fair Labor Standards Act may accrue time off earned for time worked in excess of 40 hours per week as approved by their supervisor. Time off earned shall accrue at the rate of one hour for each hour worked in excess of 40 hours during a normal workweek.
32. Trainee. A Department of Social Services Competitive Service employee appointed to a regular position in any class for which the Office of State Personnel has authorized "trainee" appointments. The trainee must be appointed to the regular position when they gain the acceptable training and experience.
33. Transfer. The reassignment of a classified employee from one position or department to another. A classified employee under this status would not be exempt from Article IX.
34. Voluntary Demotion. Willingly accepting or choosing to move to a position or classification having a lower salary grade than the employee's current position or classification.
35. Work-Against. In departments whose employees are subject to the State Personnel Act, the appointing authority may appoint an employee in a work against situation. When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a “work against” appointment. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience. A work against appointment may not be made when applicants are available who meet the training and experience requirements for the full class in the position being recruited. During the duration of the work against appointment, the employee is on probationary status.

ARTICLE II. ORGANIZATION OF PERSONNEL SYSTEM

SECTION 1. PURPOSE

The purpose of this ordinance is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This ordinance is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina.

SECTION 2. COVERAGE

This personnel ordinance and all rules and regulations adopted pursuant thereto shall be binding on all County employees, except as provided in this section. An employee violating any of the provisions of this ordinance shall be subject to appropriate disciplinary action, as well as prosecution under civil or criminal laws which have been violated.

- A. All employees in the County's service shall be subject to this policy, unless specifically identified below.
- B. The following officials and employees are exempt:
- Board of County Commissioners
 - Advisory, Special Boards and Commissions
 - Elected Officials
 - County Manager
 - County Attorney
 - Consultants
 - Non-Regular Employees
 - Temporary employees
 - Volunteers
- C. The following employees shall be subject to this policy, except as specifically identified below:
1. Employees of the North Carolina Cooperative Extension Service shall be subject to Article II, Section 3, Article V, Sections 8 and 14, Article VI, and Article VII, Section 1.
 2. Employees of the Register of Deeds are exempt from Article IV, Sections 2-8; Article VIII and Article IX.
 3. Employees of the Sheriff's Office are exempt from Article IV, Sections 2-8; Article VII, Section 4; Article VIII and Article IX.
 4. The Supervisor of Elections is exempt from Article IV, Sections 2-8; Article VIII and Article IX.
 - ~~5. Competitive Service Employees shall be covered by all articles and sections except where noted. In the event that the Ordinance conflicts with the State Personnel Act, the State Personnel Act shall prevail. ~~The Social Services Director shall be responsible to the County Board of Social Services.~~~~
 6. The Tax Administrator's appointment shall be governed by G.S. 105-294.

SECTION 3. MERIT PRINCIPLE

All appointments and personnel actions hereunder shall be made solely on the basis of merit and fitness without regard to an individual's race, color, sex, **gender**, age, disability, national origin, political affiliation or religious affiliation. All regular positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary grade.

SECTION 4. RESPONSIBILITY OF BOARD OF COMMISSIONERS

The Board of County Commissioners shall establish personnel policies and rules, including the Position Classification Pay Plan and shall make and confirm appointments when so specified by law. The Board may change the ordinances and benefits as deemed necessary.

SECTION 5. RESPONSIBILITY OF THE COUNTY MANAGER

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. Department Head level positions including the ~~Deputy County Manager~~ **Department of Social Services Director, Emergency Services Director, Finance Director, Human Resources Director, Information Technologies Director, Maintenance Director Supervisor, Operation Services Director, Parks and Recreation Director, Planning and Inspections Director, Project on Aging Director, Tax Administrator, and Veteran's Services Officer;** shall be appointed, suspended or removed by the County Manager with the approval of the Board of County Commissioners. All other positions in departments under the Commissioner's general control shall be appointed, suspended or removed by the County Manager in accordance with the terms of this ordinance and in accordance with G.S. 153A-82. An official copy of the Personnel Ordinance and rules shall be available in the County Manager's Office. Any questions on the applicability or interpretation of the Ordinance's guidelines or rules shall be directed to the County Manager or his/her designee before proceeding.

SECTION 6. RESPONSIBILITY OF THE ~~PERSONNEL OFFICER~~ HUMAN RESOURCES DIRECTOR

The **Human Resources Director** ~~may designate a Personnel Officer who~~ shall assist the **County Manager** in the preparation and maintenance of the Position Classification Pay Plan and perform such other duties in connection with a modern personnel program, as the Manager shall require. The County Manager or his/her designee shall perform all of the following duties and responsibilities:

- A. Apply, interpret and carry out this policy and the policies adopted hereunder, and any situations not covered herein.
- B. Establish and maintain records of all County employees' service to include name, grade, title of position, salary, employment status, history and other relevant employment data.
- C. 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.
- D. Encourage and exercise leadership in the development of effective personnel administration within the various County departments, and to make available the facilities of the personnel office to this end.

- E. Investigate, when necessary, the operation and effect of this policy and of the policies made there under, and report their findings and recommendations to the Board of Commissioners.
- F. Make recommendations to the Board of Commissioners regarding the personnel functions, as well as revisions to the personnel system, as they may consider appropriate.
- G. Issue and publish administrative directives, supplements, interpretations and necessary prescribed forms and reports for any personnel matters for the proper functioning, maintenance and documentation of the procedures established by and in accordance with this policy.

All matters dealing with personnel shall be routed through the County Manager or his/her designee, who shall maintain a complete system of personnel files and records.

ARTICLE III. POSITION CLASSIFICATION PAY PLAN

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts the Watauga County Position Classification Pay Plan. Please refer to Appendix A, which may be amended from time to time by the Board of County Commissioners.

SECTION 2. PURPOSE

The position classification plan provides a complete inventory of all authorized and regular positions in ~~the~~ County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the ~~Personnel Ordinance policy~~ are to be classified according to the assigned duties, responsibilities, qualifications needed, and modern classification factors. In order to insure its continuing value as a personnel management tool, the position classification plan will be maintained to reflect the current work assignments and other conditions and requirements, which are factors in proper classification and allocation of regular positions.

The N.C. Office of State Personnel in compliance with the rules and regulations under the State Personnel Act will classify positions in the Department of Social Services.

SECTION 3. COMPOSITION OF THE POSITION CLASSIFICATION PLAN

The classification plan shall consist of:

- A. A grouping of positions into classes of work which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- B. Class titles descriptive of the work of the class;
- C. Written specifications for each class of positions; and
- D. An allocation list showing the class title of each position in the classified service.

SECTION 4. USE OF THE POSITION CLASSIFICATION PLAN

The classification plan provides the County a uniform job classification system and terminology and is used:

- A. As a guide in recruiting and examining applicants for employment;
- B. In determining lines of promotion and in developing employee training programs;
- C. In determining the appropriate salary range to be paid for various types of work; and
- D. In determining personnel service cost in department budgets.

SECTION 5. REQUEST FOR RECLASSIFICATION

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the Department Head. Upon receipt of such request, the Department Head shall study the request, determine the merit of the reclassification, and make a recommendation to the County Manager or his/her designee in order to maintain a fair and accurate classification plan. **With the exception of time sensitive circumstances, a request for reclassification of a position should presented to the County Manager during the annual budget process to prevent any type of shortfall within the department's budgeted salaries.**

SECTION 6. ADMINISTRATION OF THE POSITION CLASSIFICATION PAY PLAN

The Position Classification Pay Plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay range. The Position Classification Pay Plan shall meet the requirements of the State Competitive Service System for local government employees, while maintaining a countywide plan. The County Manager or his/her designee shall perform all of the following duties and responsibilities:

- A. The County Manager or his/her designee shall be responsible for the administration and maintenance of the Position Classification Pay Plan to 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 or his/her designee the need for new positions and material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position.
- B. New positions shall be established upon recommendation of the County Manager or his/her designee with the approval of the Board of County Commissioners. The County Manager or his/her designee may allocate the new position to the appropriate class within the existing classification plan; or recommend that the Board of Commissioners amend the Position Classification Pay Plan to establish a new class to which the new position may be allocated.
- C. When the County Manager or his/her designee finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager or his/her designee shall
 1. Direct that the existing class specifications be revised;
 2. Recommend that the Board of County Commissioners 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 7. MAINTENANCE OF THE POSITION CLASSIFICATION PAY PLAN

The County Manager or his/her designee shall be responsible for the administration and maintenance of the Position Classification Pay Plan. The Position Classification Pay Plan is intended to provide equitable

compensation for all positions when considered in relation to each other, general rates of pay for similar employment in the private and public sector, changes in the cost of living, financial conditions of the County, and other factors. The County Manager or his/her designee shall, from time to time, order comparative studies of all factors affecting the level of salary grade and shall recommend to the Board of County Commissioners such changes in salary grades as are warranted.

SECTION 8. HIRING RATE/STARTING SALARY

Employees will be hired at the minimum rate of their assigned salary grade. Appointments above the minimum rate may be made by the County Manager or his/her designee when deemed necessary to the best interests of the County, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the minimum rate. The Board of County Commissioners must approve any appointment above the midpoint of the salary rate. Approval of all personnel actions is subject to the availability of funds. No action can be taken by the County Manager, which would expend funds in excess of those appropriated for the current fiscal year.

SECTION 9. PAYMENT AT A RATE WITHIN THE SALARY GRADE

Classified employees covered by the Position Classification Pay Plan shall be paid at a rate within the salary grade established for their respective job classes.

When a classified employee attains the maximum rate of a salary grade for their position, no salary increases shall be received unless (1) the position is reclassified to a higher salary grade, (2) the classified employee is promoted to a higher salary grade, or (3) the salary grade for the position is increased. If a pay for performance increase or cost of living adjustment causes an employee's salary to exceed the maximum range for their position, the difference between their new salary and the maximum range shall be paid in a lump sum. Employees already at the maximum of their salary grade shall receive a lump sum payment.

SECTION 10. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION

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

- A. When a promotion occurs, if the employee's current salary is below the new minimum, the employee's salary shall be increased to the greater of, the minimum rate of the salary grade assigned to the class to which they are promoted to or a 5% increase. If an employee's current salary is already above the new minimum salary rate, their salary shall be adjusted approximately 5% upward based on funds available or in unusual circumstances may be left unchanged at the discretion of the County Manager or his/her designee, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
- B. If the employee's salary grade is lowered as a result of a reclassification or a transfer, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary will remain the same until any adjustments are made to the Position Classification Pay Plan.
- C. When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum of the new pay range. If the employee's current salary is already above the minimum salary rate, their salary may be adjusted

upward but not to exceed the maximum of the assigned salary range ~~or left unchanged~~ at the discretion of the County Manager or his/her designee. ~~If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.~~

- D. If an employee is demoted because of a disciplinary action ~~or takes a voluntary demotion~~, the employee's salary will be reduced ~~using a formula that calculates the new salary based on the lower salary range for the position the employee is moving into and in consideration of said employee's salary point within the range of their position prior to the demotion~~, considering factors such as; fair and equitable treatment with other employees in the same classification based on training and experience, performance levels, and salary ~~increases previously received~~. The reduction in salary shall not fall below the minimum salary rate of that range. When the demotion is not the result of disciplinary action, the salary shall be set at a rate within the lower pay range, which provides a salary commensurate with the employee's qualification to perform the job, ~~using the above described formula~~. If the current salary is within the new range, the employee's salary may be retained at the previous rate, ~~at the discretion of the County Manger~~.
- E. If an employee transfers to a different position within the same salary grade, the employee's salary will remain the same until any adjustments are made to the Position Classification Pay Plan.

SECTION 11. PAY FOR PERFORMANCE INCREASES

Upward movement within the established Position Classification Pay Plan for an employee is not automatic but based on specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and pay for performance increases shall be established ~~in procedures~~ ~~with criteria~~ approved by the County Manager or his/her designee.

Except in unusual circumstances, pay for performance increases will not be awarded more often than once every twelve (12) months.

SECTION 12. PAY FOR PERFORMANCE AT MAXIMUM OF SALARY RANGE

Employees who are at the maximum of the salary range for their position classification are eligible to be considered for a pay for performance bonus which if awarded does not become part of the employee's salary and shall be paid in a lump sum.

If a pay for performance increase causes an employee's salary to exceed the maximum range for their position, the difference between their new salary and the maximum range shall be paid in a lump sum. Employees already at the maximum of their salary grade shall receive a lump sum payment.

SECTION 13. PAY FOR PART-TIME WORK

The Position Classification Pay Plan established by this manual is for regular employees. An employee appointed to a regular part-time position shall be paid at a rate determined by converting the established annual salary ~~within the correct pay range for the position~~, to the appropriate hourly rate. When a comparable full-time position classification does not exist, the County Manager or his/her designee ~~or Human Resources Director~~ upon recommendation of the Department Head shall establish an hourly rate. Temporary service pay and non-regular pay shall be based on market conditions as recommended by the Department Head subject to the County Manager's approval.

SECTION 14. SALARY OF DSS COMPETITIVE SERVICE TRAINEE

Competitive Service Employees subject to the State Personnel Act will be designated “trainees” in accordance with rules and regulations established by the Office of State Personnel. Applicants being considered for Competitive Service Employment or Competitive Service Employees who do not meet all of the requirements for the position for which they are being considered may upon recommendation by the Office of the State Personnel be hired, promoted, demoted, or transferred by the DSS Director with the approval of the County Manager or his/her designee, to a “trainee” or “work against” status. An employee in a trainee status shall continue to receive reduced pay until the Office of State Personnel and the DSS Director, with approval of the County Manager, determine that the trainee is qualified to assume the full responsibilities of the position.

Trainee salaries may be one to three grades below the minimum salary established for the position for which the person is being trained. Assignment of two grades below is appropriate for more than six months but less than two years. Note: Positions subject to the State Personnel Act may be assigned no more than two grades below for trainee purposes.

In the trainee or work against status, a plan for training and meeting the minimum qualification for the job classification, including a time schedule, must be prepared by the supervisor. If the training is not successfully completed the employee shall be transferred, demoted or dismissed. If the training is successfully completed, the employee shall be paid at least the minimum rate for the position for which the employee is being trained.

SECTION 15. OVERTIME

Employees of the County can be requested and may be required to work overtime hours as necessitated by the needs of the County and determined by the Department Head.

Regular Overtime – It shall be the policy of Watauga County to avoid overtime work whenever possible. Unless special authorization has been approved, Department Heads are expected to keep each employee’s hours within 40 hours per week. Except in cases of emergency, employees are not to perform work at any time they are not scheduled to work, unless they receive prior approval from their Department Head. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their Department Head of the overtime worked as soon as ~~practical~~ **practicable** following completion of the work. In emergencies, the Department Head may approve reasonable periods of overtime work to meet operational needs. Such overtime work shall be reported to the County Manager or his/her designee within five (5) workdays. In non-emergency situations, the County Manager or his/her designee must approve periods of overtime work.

Whenever practicable, departments will schedule time off on an hour for hour basis within the applicable work period for nonexempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time off.

The County abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standard Amendments (FLSA) of 1986, 2004 **and 2024, or those guidelines that have most recently been adopted or approved.** The County Manager or his/her designee shall determine which jobs are “Non-Exempt” and are therefore subject to the FLSA in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. The County will properly record all applicable overtime accrual for each

covered employee. This overtime policy is applicable only to employees of Watauga County who are non-exempt under the Fair Labor Standards Act.

Employees classified, as non-exempt from the Fair Labor Standards Act shall be compensated at the rate of one and one-half hours for each hour worked in excess of the regular 40-hour week. The computation of overtime shall be based on time worked after completing 40 full hours of work within a given week. This 40-hour period shall be actual hours worked not including any paid leave, **holiday time** or otherwise. Employees in sworn law enforcement may earn overtime based on a 28-day time period (hours in excess of 171 hours). Except where specifically provided for, it shall be the policy of the County to use compensatory time as payment for overtime worked, instead of overtime pay.

Non-exempt employees who are in sworn law enforcement may accrue a maximum of 480 hours of compensatory time for overtime hours worked. Other non-exempt employees may accrue a maximum of 240 hours of compensatory time.

Compensatory time off leave shall be designated by the employee's Department Head normally to occur during periods when workloads are light and would not unduly disrupt operations. Compensatory time must be designated and taken within three (3) months of the overtime **when practicable**. If the employee fails to take earned compensatory time off at the time designated by the Department Head, the employee is subject to disciplinary actions.

Employees who are exempt from the Fair Labor Standards Act may accrue time off earned for time worked in excess of 40 hours per week as approved by their supervisor. Time off earned shall accrue at the rate of one hour for each hour worked in excess of 40 hours during a normal workweek. The computation of time off earned shall be based on time worked after completing 40 full hours of work within a given week. This 40-hour period shall be actual hours worked not including any leave paid or otherwise. When there is a holiday in the work week, time off earned is calculated by adding total hours worked plus holiday time, hours over 40 are accrued. Time off earned may not be transferred to any other type of leave. Time off earned is not required by the Fair Labor Standards Act and therefore, not a guaranteed County benefit. Exempt employees will not be compensated for time off earned when separated from the County. Overtime compensation is not required in top-level supervisory, administrative and professional positions.

Compensatory time off for employees classified as non-exempt and time off earned for exempt employees will be used during any period of absence from work before other accrued paid leave.

SECTION 16. ON-CALL/CALL BACK COMPENSATION

Even though on call compensation may not be required by the Fair Labor Standards Act, the County recognizes that such callback usually results in added travel expense and inconvenience for the employee. Therefore, it is the policy of Watauga County to provide additional compensation for employees who are on-call or respond to a "callback" in order to perform necessary work at a time other than during the employee's regularly scheduled hours of work.

Therefore, certain classified employees of Animal Care and Control, Emergency Management, the Department of Social Services (Social Workers I, II and III) and Maintenance Department are eligible for on-call compensation when the employee is routinely required to be on call and report for work upon contact **from their supervisor** via ~~pager or~~ telephone. The Department Head is responsible for designating the individuals **which positions** are to be placed on call and submit a list of them, **including a standard rotation schedule to be followed**, to the County Manager or his/her designee for approval.

Watauga County On-Call Compensation:	
\$20/day	Monday thru Friday
\$50/day	Saturday thru Sunday
\$80/day	Holiday

On-call time is not considered actual hours worked for overtime purposes and is compensated on the above schedule.

Time on callback is determined from the time the employee leaves home and until the employee returns home, **but not less than one (1) hour for each call-back**. Callback time is considered actual hours worked for overtime purposes.

SECTION 17. K-9 PAY

K-9 Officers shall be compensated at a flat rate of one-half hour per day (based on the individual officer's hourly rate) which will be paid biweekly for the care and upkeep of their canine.

SECTION 18. PAYROLL DEDUCTIONS

Federal and state income taxes, Social Security tax, and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. The County Manager must approve any other payroll deduction.

SECTION 19. PAYROLL PROCEDURE

All employees shall be paid on a biweekly basis. Payday will be every other Friday. **When necessary, if payday falls on a recognized holiday, payroll may be processed early. All employees of the County are required to provide the necessary bank account information for mandatory direct deposit.**

SECTION 20. IMPROPER OR UNLAWFUL PAYROLL DEDUCTIONS

Every effort is made to ensure that compensation and paychecks are properly computed and calculated. It is against County policy for any employee's wages to have improper or unlawful deductions. If you believe that your pay is incorrect or that an improper or unlawful deduction was made to your wages or salary, contact the Finance Department immediately. Our payroll department and/or HR department will investigate the matter, make corrections as appropriate, and make prompt reimbursement as required.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR Part 541, may be reduced or be subject to deduction for the following conditions **ONLY**:

- For one or more full days of absence for personal reasons other than sickness or disability and the employee has no leave to cover the absence.
- For sickness or disability (including work place injury) if the employee has not qualified for the County's leave benefit, has not earned sufficient leave to cover the absence, or has exhausted all leave and has no earned leave remaining to cover the absence. If the employee has exhausted all leave benefits **or Voluntary Shared Leave donations** that would cover an FMLA absence, the employee's salary may be reduced in hourly increments while on FMLA leave.
- Deductions for penalties imposed for violations of safety rules of major significance, including those relating to the prevention of serious danger in our workplace or to other employees.
- Deductions resulting from suspensions without pay for serious violations of our workplace misconduct rules.
- In the initial or final workweek of employment, deductions may be made for the days of the workweek not worked. For example, in the first or last workweek of work, if the employee only works two of the five days, the employee will receive 2/5 (two fifths) of their weekly salary.

Pursuant to Federal Regulations 29 Part 541.710, salaries of exempt salaried employees may be reduced under the following conditions in that all agency employees are employed under the rules of public accountability:

- For absences of less than a day for personal reasons, illness, or injury when accrued leave is not used because:
 1. Permission for the absence/leave has not been sought or it has been requested by the employee and was denied;
 2. Accrued leave has been exhausted;
 3. The employee requests ~~or chooses~~ and is approved to use leave without pay.
- Deductions for a "budget-required furlough" implemented by agency management or the governing board/body. During such week, and only in such week, the Part 541 exemption is lost and the employee is entitled to overtime compensation in the week of the furlough if the employee works more than 40 hours (or other standard which is employed in law enforcement or fire-fighting) despite being in furlough status.

Deductions from salaries of employees exempt under the Fair Labor Standards Act, 29 CFR Part 541, are NOT permitted by the regulation for the following conditions:

- On an hourly basis except for unpaid FMLA leave and as provided in the special rules above.
- When the office, facility, building or department is officially closed due to inclement weather such as snow or ice. Exempt salaried workers cannot be required to use earned leave for such closings unless it is announced that the office, facility, building or department remains open for salaried exempt employees and they are given the option of reporting to work or using leave.
- For penalties or rules violations such as performance issues, attendance issues, minor safety rules, cash shortages, losses, rules of evidence violations or damages to equipment or property, including insurance deductibles when damage has occurred.

Employees can report improper or unlawful deductions from their wages without fear of discrimination or reprisal. Upon receiving notification of an improper or unlawful deduction from pay, the Human Resource Director, or designee, in consultation with the Payroll Manager, will investigate the matter and issue a finding before the next pay period entry date. If the investigation confirms the deduction was improper or unlawful the employee(s) shall be reimbursed the amount of the deduction with the next paycheck.

It shall be the policy of Watauga County to round all time in increments of 8 minutes to the next quarter of an hour.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

SECTION 1. STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity and to identify and attract the most qualified applicants for all present and future vacancies with Watauga County. This is achieved through consistency in announcing all positions, evaluating all applicants on the same criteria, and by utilizing the services of the local Employment Security Commission. Selection decisions shall be made without regard to race, color, religion, age, **gender**, sex, national origin, political affiliation or non-disqualifying disability.

SECTION 2. JOB ADVERTISEMENTS

All open regular position vacancy announcements shall be posted internally for a minimum of three (3) working days. After three (3) days of internal posting, outside recruitment may be sought. All positions posted externally shall be advertised for a minimum of seven (7) days at the County ~~Personnel Administration~~ Office and the ~~NC Works Career Center Employment Security Commission~~. Additional advertisements may be carried out through the media as appropriate. Vacancy announcements shall include information pertinent to the position/work involved, including at a minimum, the title, grade, starting salary, key duties, knowledge and skill requirements, minimum education and experience standard, special certification or licensing requirements and application closing date. In addition, assurance of Equal Employment Opportunity shall be contained therein. **When appropriate positions may be posted internally and externally concurrently, and may be posted as "Open Until Filled."**

SECTION 3. APPLICATION FOR EMPLOYMENT

All employees (including temporary and non-regular) are eligible to apply for any position vacancy during an advertisement period. Employees interested in being considered for a specific opening must submit an updated County application to ~~Human Resources the Personnel Office~~ by the application closing date.

All persons expressing interest in an advertised position with Watauga County shall be given the opportunity to file an application for employment. The Watauga County application shall be the standard application accepted for any and all position listings. Competitive Service departments will accept North Carolina State applications. All persons expressing interest in an externally advertised position must submit a County application to the ~~Employment Security Commission~~ **NC Works Career Center** by the application closing date.

All applications received by the Employment Security Commission shall be retained by ~~Human Resources the Personnel Office~~ for a period of **not less than** two years, in accordance with Federal and State requirements. Department Heads must return all original applications and documents to the Personnel Office.

SECTION 4. APPLICATION TRACKING

~~The Personnel Office~~ **Human Resources** shall be responsible for maintenance of records of all job vacancy announcements, including posting and closing dates, and all optional referral sources utilized during the recruitment process and the pool of applicants considered for each vacancy.

SECTION 5. SELECTION

All applicants considered for employment or promotion shall meet the employment standards established by the class specifications relating to the position to which the appointment is being made. Department Heads (in cooperation with Human Resources ~~the Personnel Office~~) shall develop, utilize and document, on a consistent and routine basis, a selection process, which best suits the needs in filling positions within each agency/department.

SECTION 6. EMPLOYMENT

Prior to an offer of employment, the Department Head shall forward to the County Manager or his/her designee a Personnel Action Form (PAF) along with the employment application indicating ~~for~~ the Department Head's recommendation for employment. ~~The required information, authorization and acknowledgment forms must also be submitted to complete a pre-employment background check on all employment candidates.~~ The County Manager or his/her designee may approve or reject the recommendation and will determine if the starting salary is appropriate, subject to the following conditions:

- A. If the duties of the position involve operation of a County owned vehicle or the use of a personal vehicle for County business, the applicant will provide a driving record, which will become a part of their personnel file.
- ~~B. If the duties of the position involve the collection, supervision, or processing of County funds or is mandated by Federal or State law, prior to appointment, the County shall conduct a criminal background check which will become a part of the personnel file.~~
- C. The Sheriff, Register of Deeds and the Board of Elections shall have ~~the~~ authority over the appointment of employees in their respective departments, with the County Manager or his/her designee approving the salary pay grade and salary.
- D. By the authority of Chapter 153A-103 of the N.C. General Statutes, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage or nearer kinship than first cousin or a person who has been convicted of a crime involving moral turpitude.
- E. By the authority of Chapters 108A and 126 of the N.C. General Statutes, the Department Head will have authority over appointments in the Competitive Service departments. The State Office of Personnel will determine the classification, and the County Manager will approve the salary grade and salary.

SECTION 7. PROMOTION, TRANSFER AND DEMOTION

- A. Promotion/Internal Hiring – Candidates for promotion or internal hiring 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 handicap. In order to encourage job advancement and employee development, all County employees are eligible to apply for vacant job openings. This will not apply to those situations where State Personnel policy requires outside recruitment before considering a lower qualified person in a trainee situation.

If a county employee is chosen for promotion or internal hiring, the Department Head shall forward the request to the County Manager or his/her designee with recommendations for salary along with reasons for selecting the employee over other applicants. After considering the Department Head's recommendation, the County Manager or his/her designee may approve or reject the appointment and, if appointed, determine the starting salary.

- B. Transfer – A classified employee, who wishes to accept a position with less complex duties and reduced responsibilities, may request a transfer to another position for reasons other than unsatisfactory work performance or failure in personal conduct. A voluntary transfer may result in a lower salary.

If a vacant advertised position exists and a classified employee wishes to be considered for the position, an application must be forwarded to the Human Resources Department or his designee during the recruitment period for the position. After considering the Department Head's recommendation, the County Manager or his/her designee may approve the transfer and determine the starting salary of the employee. Transfers will not be considered unless the classified employee is qualified for an advertised vacant position.

- C. Demotion – A demotion is the reassignment of a classified employee for disciplinary reasons to a position or classification having a lower salary grade than the employee's current position or classification. An employee whose work performance in their present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VIII. Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VIII, Sections 8 B and C. The employee shall be provided with written notice citing the recommended effective date, reasons for the demotion, and appeal rights available to the employee as stated in Article VIII of the policy. In the case of a demotion, after considering the Department Head's recommendation, the County Manager or his/her designee shall determine the salary and assign the appropriate classification.

SECTION 8. PROBATIONARY PERIOD– EMPLOYMENT, TRANSFER, PROMOTION, AND DEMOTION

- A. Probationary Period – Employment (New Hire) – A newly hired classified employee shall serve a probationary period of no less than six (6) months. Sworn law enforcement officers shall serve a twelve-month probation in accordance with State Criminal Justice Standards. At the recommendation of the Department Head and the approval of the County Manager or his/her designee, an employee's probationary period may be extended for one three (3) month period. Employees in trainee or "work against" appointments will have specific time frames established for the probationary period. A newly hired classified employee serving a probationary period may be dismissed, without cause or explanation, at any time during the probationary period.

A newly hired classified employee serving a probationary period will receive all benefits provided in accordance with this ordinance, with the following exceptions:

1. A probationary employee may accumulate vacation leave. Vacation leave may not be taken during this period without prior written approval of the Department Head. ~~and County Manager or his/her designee.~~ A limited amount of vacation leave will be granted during an employee's probationary period to avoid leave without pay, until an adequate amount of paid leave time can be accrued.

2. Probationary employees have no right of grievances during this period and may be transferred, demoted or dismissed at any time without further notice and without the right of grievance, except when the employee alleges unlawful harassment or discrimination based on race, color, religion, age, sex, national origin, political affiliation or non-disqualifying condition.
3. Before a classified employee completes the probationary period, the Department Head shall conduct a written performance appraisal evaluation to be forwarded with a personnel action form to the County Manager or his/her designee indicating:

That the employee has been advised of their progress (accomplishments, strengths and weaknesses);

Whether the employee is performing satisfactorily or should have their probationary period extended; or

Whether the employee should be transferred, demoted, or dismissed from County service.

Following successful completion of the probationary period, the employee shall be considered a regular employee and can only be separated as provided in Article VIII of this ordinance.

- B. Probationary Period – Transfer, Promotion and Demotion – The classified employee transferred, promoted or demoted shall successfully complete a six (6) month probationary period in their new position. A classified employee serving a probationary period may be transferred, demoted or dismissed if unable to satisfactorily perform assigned duties of the new position and will be afforded all rights as specified in Article VIII of this ordinance.

Before a classified employee completes the probationary period, the Department Head shall conduct a written performance appraisal evaluation to be forwarded with a personnel action form to the County Manager or his/her designee indicating:

That the employee has been advised of their progress (accomplishments, strengths and weaknesses);

Whether the employee is performing satisfactorily or should have their probationary period extended; or

Whether the employee should be transferred, demoted, or dismissed from County service.

SECTION 9. AMERICANS WITH DISABILITY ACT (ADA)

It is the policy of the County to comply with the relevant and applicable provisions of the Americans With Disability Act (ADA). The County will not discriminate against any qualified employee or applicant with respect to any terms, privileges or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodations wherever necessary for employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

Employees or applicants, who may need an accommodation, whether temporary or permanent, shall contact the ~~personnel director~~ Human Resources Director for assistance.

ARTICLE V. CONDITIONS OF EMPLOYMENT

SECTION 1. WORKWEEK

The official workweek for all County employees is 40 hours over a seven (7) day work period. The standard workweek shall be from 12:01 a.m. on Monday through 12:00 p.m. on Sunday. The standard workday shall be from 8:00 a.m. to 5:00 p.m. An alternate workweek or day may be used only if approved by the County Manager or his/her designee.

Department Heads, supervisors and otherwise exempt employees under FLSA shall work those hours necessary to ensure satisfactory performance of their departments, but not less than 40 hours per week. Department Heads shall schedule staff to ensure the public is assisted during regular office hours. When the activities of a particular department require some other schedule to meet work needs, the County Manager or his/her designee may authorize a deviation from the normal schedule.

The exception is the official work period for sworn law enforcement officers.

It shall be the policy of Watauga County to round all time in increments of 8 minutes to the next quarter of an hour and time should be recorded on all employees' timesheets accordingly.

SECTION 2. GIFTS AND FAVORS

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

SECTION 3. CONFLICT OF INTEREST POLICY

- A. It shall be the duty of all Watauga County employees to recognize and report to the County Manager or his/her designee, any and all part-time employment opportunities or formal intent in any outside undertaking that may be considered a conflict of interest in their employment with Watauga County Government.
 - 1. All requests for employment opportunities outside of employees' normal County jobs, or any financial interest or relationship an employee may have in any outside venture, shall be approved in advance by the County Manager or his/her designee, and/or **Human Resources Director** or corresponding appointing authority.
 - 2. Other incompatible activities include, but are not limited to, acceptance of a favor, pay, gift, payment or expenses, or any other thing of monetary value under circumstances in which acceptance may result in or create the appearance of conflicts of interest.

- B. It shall be the policy of Watauga County that no employee may use their position, or the knowledge gained therein, in such a manner that a conflict between Watauga County's interests and their personal interests should arise. Both the fact and the appearance of the conflicting interests are to be avoided.
 - 1. An employee is prohibited from having a direct or indirect formal interest that conflicts substantially with their Government duties and responsibilities; or, from joining in, directly or indirectly, a formal transaction as a result of, or primarily relying upon, information obtained through their Government employment.
 - 2. Employees shall refrain from transmitting any knowledge of County considerations or decision, or any other information, which might be prejudicial to the interest of the County, to any person other than in connection with the discharge of their official responsibilities.
- C. Adherence to this policy is a condition of employment.

SECTION 4. POLITICAL ACTIVITY RESTRICTIONS

Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles of civic or political organizations in accordance with the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina. However, no employee shall:

- A. Engage in any political or partisan activity while on duty (including campaign buttons or attire that communicates such).
- B. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- C. Be required as a duty of the office or employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- D. Coerce, solicit, or compel contributions for political or partisan purposes by any other employee of the County.
- E. Use any funds, supplies or equipment of the County for political or partisan purposes.
- F. Use County Seal, uniforms, vehicles, signs, emblems, or insignias in any political or commercial way or manner.
- G. Be a candidate for nomination or election to the office of Watauga County Commissioner.

Employees subject to the State Personnel Act and employees in certain federally aided programs are subject to the Hatch Act as amended in 1975. This Federal act, in addition to prohibiting B, C, and D above, also prohibits candidacy for elective office in a partisan election. Prior to filing, any employee of Watauga County who wishes to run for political office shall obtain permission in writing from the Office of Special Counsel (1.800.854.2824) and forward this information to the County Manager.

SECTION 5. OUTSIDE EMPLOYMENT

The work of the County shall 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 supervisor and the County Manager or his/her designee, who will review such employment to determine the County's liability. Outside employment shall not be so demanding in time and energy that the employee is unable to maintain an acceptable level of performance in the County's service. Documentation of the approval of outside employment will be maintained in the employee's personnel file.

SECTION 6. LIMITATION ON EMPLOYMENT OF RELATIVES

- A. No two members of an immediate family shall be employed within the same department if such employment will result in one supervising a member of his or her immediate family, or where one member occupies a position that has influence over the other's employment, promotion, salary administration, and other related personnel considerations.
- B. The term "immediate family" means an employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from those family members named herein.
- C. The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with Subsection A, above, prior to the adoption of this policy.
- D. The Board of County Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin.

SECTION 7. TRAVEL POLICY

- A. Purpose – It is the intent of this policy to provide County departments and agencies a comprehensive reference for uniform interpretation of payment or reimbursement of necessary expenses for official County travel.
- B. Employee Responsibility – An employee traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official County business are not acceptable under this standard. Employees will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

Willful violations of this policy will result in disciplinary actions per the County Personnel Ordinance.

C. Definitions –

1. Authorizing Party – Department Heads are authorized by this policy to approve or deny requests for travel, travel advances, travel reimbursements for their staff. The County Manager or his/her designee shall authorize the requests by Department Heads.
2. Employee's Duty Station –The job location at which the employee spends the majority of his or her working hours. For an employee in travel status, the duty station shall be the point where work begins the majority of the time (home or office).
3. Requesting Party – The person who will be advanced funds and/or reimbursed for travel costs incurred while conducting County business.
4. Mileage Reimbursement – If a County vehicle is not available for authorized travel and an employee is required to use their personal vehicle for the travel, reimbursement for mileage shall be the rate/mile established by the Board of Commissioners.
5. Subsistence (Meal & Lodging) – Adequate lodging and meals during travel period. Meals paid for based on a per diem allowances. The Board of Commissioners establishes meal per diem amounts. Payment of or reimbursement for lodging and meals is only applicable for overnight travel and does not apply to day trips (travel beginning and ending within the same day).
6. Transportation – Transportation expenses include taxi, bus, train, airplane, motor pool charges, auto rentals, tolls, and parking fees. All transportation expenses must be incurred by and for employees, board members or other eligible travelers while conducting official County business. Employees are expected to observe and follow all applicable transportation related laws and regulations. Moving violations and parking tickets received during work related travel are the responsibility of the employee in violation and will not be paid for by Watauga County.
7. Travel – Travel is defined as going from normal job location to a non-County location to conduct County business. This does not include daily to and from work miles.
8. Registration Fees – Cost for participation in conferences and or training programs associated with County business. Registration fees should be charged to the “Employee Training” expenditure line. Payment of registration fees requires documentation of expenses.
9. Reimbursements – A Travel Expense Report form shall be submitted for approval and/or payment within ten working days after the travel period ends. “Travel Period” is defined as the day(s), weeks, etc., during which the travel occurred. ~~Reimbursement requests submitted by the 10th of the month will be paid on the 25th of the month. Reimbursement requests submitted by the 25th of the month will be paid on the 10th of the next month. Failure to submit adequate documentation may delay payment.~~ Reimbursement requests submitted by 5:00 p.m. on Friday will be paid on the following Friday, or with the next regularly scheduled accounts payable batch processed. Failure to submit adequate documentation may delay payment.

D. Travel Authorization – Attendance at conventions and conferences that are not training oriented will be limited to two requesting parties in addition to any requesting parties involved in the convention or conference program.

Requests for travel shall be submitted on a Travel Authorization Form and will be considered based upon need and the cost/benefit of the travel as determined by the authorizing party. The travel

authorization form shall be submitted to the authorizing party for their consideration with sufficient documentation to determine the dates and time of travel, the estimated cost, etc. The authorizing party should arrange transportation by County vehicles when possible.

The requesting party is encouraged to use their County purchasing card for lodging and registration fees. When a purchasing card cannot be used for these expenses a travel advance for lodging and registration should be requested. A County purchasing card cannot be used for meal per diems, so a travel advance should be requested for meals and mileage expenses. The requesting party shall travel with other employees and officials of the County and representatives of other government units when possible.

If the requesting party does not arrange for a travel advance or pay in advance with a purchasing card, the requesting party will pay all travel costs. The requesting party will be reimbursed for actual costs incurred, subject to the limitations established in this policy. Reimbursement will be made to requesting party according to the **Reimbursement** policy as stated in **Definitions and General Guidelines**. Airline tickets and registrations may occasionally be paid directly by the County or billed by invoice later.

~~County Purchasing Credit Cards are encouraged to be used for lodging and reservations only.~~

- E. In State Travel – For all in-state travel, the Department Head is responsible for determining if sufficient funds are available in the department’s travel line item to cover all expected travel costs. A travel authorization form will be submitted by the requesting party to the Department Head for authorization of travel at least ten working days prior to the date upon which travel will begin. If a Department Head is the requesting party, the travel authorization form will be submitted to the County Manager or his/her designee.
- F. Out of State Travel – Out of state travel status begins when the employee leaves the state and remains in effect until the employee returns to the State. Out of state travel requests for employees and Department Heads will be reviewed by the County Manager or his/her designee and must be approved by the Board.

The completed travel authorization form shall be submitted to the authorizing party with sufficient documentation (agenda, registration form, etc.). The authorizing authority will forward all information pertaining to the requested travel to the County Manager to be scheduled for consideration by the Board of Commissioners.

- G. Travel Advances – The requesting party ~~is encouraged to~~ may request a travel advance for lodging, meal per diem, registration, etc. (Funds will not be advanced for personal vehicle mileage). If the requesting party does not arrange for a travel advance, reimbursement will be made to the requesting party according to the **Reimbursement** policy as stated in **Definitions and General Guidelines**.

The Finance Office will receive a copy of all approved travel advance requests. The Finance Office is responsible for determining if sufficient funds are available in the appropriate expenditure line to cover the estimated cost of the approved travel requests. The authorizing party shall receive a copy of the travel advance confirming sufficient funds from the Finance Office. Approved travel advance and voucher must be submitted to finance by 5:00 p.m. on Friday to be paid on the following Friday, or with the next regularly scheduled accounts payable batch processed. ~~the 10th of each month to receive payment by the 25th of the same month, or by the 25th of the month to receive payment by the 10th of the following month.~~

Travel advance requests will be submitted to the authorizing party no later than ten working days prior to the date travel will begin. Travel advance requests must include documentation (conference or training agenda with dates and time and indicating any meals or lodging included in registration fees) to support estimated travel cost. Travel advances will not be issued if an individual has not completed a travel expense report for a previous trip.

H. Transportation – **Specific Guidelines Relating to Transportation Costs**

Reimbursement for transportation will be based on the most economical mode of travel.

1. Unit Vehicles – The authorizing party should arrange transportation in a County vehicle when possible. Use of a county vehicle must be approved by the County Manager or his/her designee or the appropriate Department Head no later than ten working days prior to the date of authorized travel. An authorizing official may approve on a shorter notice if the situation dictates. County vehicles shall be used in conducting County business only. A minimal amount of personal use, such as driving the vehicle to and from dinner, may be allowed for out of County travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. Non-county employees may accompany County employees in a County vehicle if they have a business interest in the travel.
2. Personal Vehicle – An employee will be reimbursed for the use of a personal vehicle based on the rate per mile established by the Board of Commissioners. Requests for mileage reimbursement shall include vehicle odometer readings **or accurate Map Quest driving directions including mileage from duty station to destination. If a personal vehicle is used for travel related to official County business, when a County vehicle is available, the requesting party will only be eligible for one-half of the qualified mileage reimbursement.**
3. Actual Mileage – Reimbursable mileage shall include odometer readings and is measured from the duty station to the destination (and return). An employee may leave from his or her home if reporting to duty station would create extra miles. **Map Quest driving directions including mileage from duty station to destination are also acceptable to be used in the place of odometer readings.**
4. Parking Fees & Tolls– are reimbursable. Receipts are required.
5. Rental Vehicle – A receipt is necessary for reimbursement. Rental vehicles are to be used as a last resort. **Use of a rental vehicle must be approved in advance.**
6. Taxis - other than trips to and from the airport – The actual cost of taxi fares is reimbursable when required for travel on official County business. Receipts are required for reimbursement.
7. Common Carrier – Actual coach fare on a plane, train, or bus- (substantiated by receipt) will be reimbursed. First class travel should be used only in extraordinary circumstances. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the directions of and for the convenience of the County. If the cancellation is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges, except, in the event of accidents, serious illness or death within the employee's immediate family or other critical circumstances beyond the control of the employee.

8. Travel to/from airport: at employee's destination – Reimbursement for travel to and from the airline terminal at the employee's or board member's destination may be made as listed below:
- a. Airport limousine – one round trip limousine fare;
 - b. Bus – one round trip bus fare;
 - c. Taxi – when limousine service is not available, actual fare to and from airline terminal;
 - d. Rental vehicles – may be used as a last resort (receipt required).

Receipts are required.

- I. Subsistence – The following schedule shall be used to determine eligibility for per diem subsistence expenses incurred while traveling on official County business. No receipts are required for per diem allowances. The meal per diem amounts are established by the Board of Commissioners for meal expenses incurred while traveling on County business and based on the State meal per diem rates effective July 1st of the current year, coinciding with start of each fiscal year, and will not change again until the approval of the budget for the following fiscal year.

Meals included in registration or conference fees will reduce the per diem allowance accordingly.

- J. Reimbursement – Each employee is responsible for his or her own request for reimbursement. Each meal reimbursement amount must be listed on the reimbursement request. Date and time of departure and arrival must be listed on the travel expense report. Meal per diem allowances will be determined based on beginning and ending time of training, and adequate travel time to and from training site.

Breakfast	Depart prior to 7:00 a.m.
Lunch	Depart prior to 11:00 a.m. (day of departure). Return after 2:00 p.m. (day of return).
Dinner	Return after 7:00 p.m.

- K. Reimbursement for Meals – Required Employee Attendance – A County employee may be reimbursed for meals when the job requires his/her attendance at the meeting of a board, commission, committee or council in his/her official capacity and the meal is preplanned as part of the meeting for the entire board, commission, committee, or council.

A County employee may be reimbursed for meals when the meal is included as an integral part of a meeting. Such meetings should involve the active participation of persons other than the employees of the County; the employee's attendance is required for the performance of his/her duties, but must not be part of the employee's normal day-to-day business activities; the meeting must be planned with a formal agenda; and the meeting must provide written notice or an invitation to participants. An employee attending a meeting in the County shall not be reimbursed for a meal if a meal is not included.

Employees claiming reimbursement under this provision are limited to the per diem meal allowances unless attendance is required for County officials and employees. Upon approval of the County Manager the actual cost may be reimbursable.

- L. Lodging –

1. Authorization – Written approval by the Department Head or appropriate authorizing official must be obtained in order to qualify for reimbursement for overnight stays. Supervisory

personnel certifying the reimbursement request as necessary must require documentation from the traveler to substantiate that the overnight lodging was necessary. Single room rates will be reimbursed. County employees are expected to check rates in the area of their travel and make arrangements for the most economical and safe lodging available.

2. Reimbursement – Each employee is responsible for his or her own request for reimbursement. Requests for reimbursement must be filed within 10 working days after the travel period ends for which the reimbursement is being requested. Specific dates of lodging must be listed on the reimbursement request, and substantiated by a detailed receipt. Other entertainment expenses, such as the cost of movies, that are included with the bill for lodging will not be reimbursed.

M. ~~Other Costs – Telephone Calls~~

- ~~1. Local Calls – Overnight Stays – No local calls will be reimbursed unless they are business associated. Business numbers called must be identified on reimbursement or lodging receipt.~~
- ~~2. Long Distance – Employees are allowed to charge one long distance safe arrival phone call (up to \$5) to the County per trip.~~
- ~~3. Reimbursement – Official phone calls are reimbursable under “other expenses.”~~
- ~~4. Collect calls – Collect calls should be avoided if at all possible.~~

- N. Travel Reimbursement from Other Agencies – Some training and/or travel expenses may be reimbursed by other agencies. If the County has advanced or paid any costs associated with this training and/or travel any reimbursement from other agencies must be made payable to Watauga County and forwarded to the Finance Office for deposit to the appropriate travel line item.

Any reimbursements received from an outside agency shall not duplicate any Watauga County travel reimbursement or advance. If duplicate reimbursement occurs then duplicate payment must be made to the Watauga County Finance Department and documented on the travel advance form.

O. Authorization for Reimbursement Procedures –

1. Submitting Travel Expense Reports – Requesting party will complete a reimbursement form, attach required receipts for expenses and submit it to the authorizing party no later than 10 working days after returning from travel. Advances will be deducted from reimbursable costs. Excess travel advances will be repaid to the County no later than ten working days after the completion of the approved travel.

Requesting party submitting a falsified travel expense report may be subject to disciplinary action and criminal prosecution. Violations of the County travel policy may result in disciplinary action per County Personnel Ordinance and/or criminal prosecution.

2. Approval and Processing of Reimbursement Requests – Travel expense reports shall be submitted to the authorizing party for approval. After approval by the authorizing party, the form should be forwarded to the Finance Office. All applicable documentation must be submitted to finance by 5:00 p.m. on Friday to be paid on the following Friday, or with the next regularly scheduled accounts payable batch processed. ~~by the 10th of each month to receive payment by the 25th of the same month, or by the 25th of the month to receive payment by the 10th of the following month.~~

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

The Finance Office will determine that sufficient funds are available in the travel expense budget line item to pay the request. The Finance Officer will promptly inform the authorizing party and requesting party if payment cannot be made.

SECTION 8. EMPLOYEE HEALTH AND SAFETY

Watauga County Government considers the safety of its employees a major responsibility. Constant endeavor shall be made to provide safe work habits and conditions for all employees. It is recognized that accident control can only be successful when adequate support comes from top management, adequate coordination and advice comes from staff members, supervisors accept safety responsibilities and when employees participate in the elimination of unnecessary safety hazards. The formulation of a functioning, pro-active safety program is thus necessary to implement this philosophy.

Watauga County government will therefore place safe operations above operational expediency and will comply with the Occupational Safety and Health Act (OSHA) and other applicable state laws.

The keys to our safety program are:

- A. The designation of a Safety ~~Officer~~ ~~director~~ whose duties shall include:
 - 1. Chair Safety ~~Committee~~ meetings as required.
 - 2. Review monthly inspection reports of County buildings and work areas for safety hazards. (Inspection done by County Maintenance Department).
 - 3. Schedule and coordinate necessary employee safety training **in collaboration with Human Resources.**
 - 4. Assist Department Heads in maintaining and updating safety operational procedures manuals.
 - 5. Establish an employee safety input and suggestion system to allow all employees access to the safety program.
 - 6. Attend necessary training to keep abreast of current safety related laws, safety trends and methods, and loss control techniques.
 - 7. Maintain communication with the County liability insurance carrier(s) to **ensure** that compliance with their standards is adequate **in coordination with the Finance Office staff responsible for processing property and liability insurance claims.**
- B. Department Heads
 - 1. The Department Heads shall be responsible for carrying out the safety policies in his or her department, making safety an important priority in establishing department goals.

2. Maintain and periodically upgrade their department standard operational procedures manual to insure a safe workplace and update safety policies.
3. ~~Ensure~~ ~~insure~~ that all employees are aware of proper safety procedures and trained in the use of safety equipment associated with a particular task.
4. Instruct new employees in policies for accident prevention and make them aware of and provide access to the Standard Operating Procedures manual for their department.
5. Provide safety equipment and protection for tasks requiring such equipment. Ensure employees are aware of the requirement to utilize such equipment (i.e. gloves, masks, hard hats, safety glasses, safety vests, hearing protection, etc.)
6. Ensure that all injuries and accidents are reported promptly, investigated, and treatment provided when necessary. All accidents and injuries should be reported to the immediate supervisor or Department Head promptly, and information forwarded to Human Resources for proper processing. ~~reported promptly. (Personal~~ (Employee accidents and injuries should be reported on the Workers Compensation Information form and shall be submitted to the Safety Officer ~~Director~~ and Human Resources. Equipment and property damage incidents shall be ~~distributed~~ submitted to the Safety Officer ~~Director~~ and to the County Finance Department.) Incident Reports and Workers Compensation Information forms will be made available to all County Departments through Human Resources or by the Safety Officer.

C. Employee (s)

1. The county employees are expected to place safe work practices and identification of unsafe conditions as the highest priority while performing daily tasks.
2. Use the safety equipment needed for daily work assignments.
3. Do not operate equipment for which training or orientation has not been received.
4. Warn co-workers of unsafe conditions or practices.
5. Report defective equipment or unsafe conditions to a supervisor or Department Head.
6. Report all injuries and accidents regardless of severity.

It is the responsibility of supervisors to enforce safety rules among employees. Supervisory personnel are responsible for instructing employees about any hazards of their assigned job. This includes health risks associated with chemicals that he/she may be exposed to in the workplace.

At all times, employees will be responsible for safe practices while performing all assigned job duties.

SECTION 9. HARASSMENT IN THE WORKPLACE

- A. Purpose – The purpose of this policy is to establish that Watauga County prohibits workplace harassment of County employees and ensures that County Departments are free from workplace harassment. This policy also prohibits retaliation against employees.

B. Policy – The policy of Watauga County is that no County employee may engage in conduct that falls under the definition of workplace harassment as indicated below. All employees are guaranteed the right to work in an environment free from workplace harassment and retaliation.

C. Definitions

1. Workplace Harassment is unwelcome or unsolicited speech or conduct based upon age, race, sex (including sexual harassment), religious belief, political affiliation, national origin, or disabling condition that creates a hostile work environment or circumstances involving quid pro quo.
2. Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the alleged harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's well-being or work performance.
3. Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
4. Retaliation is adverse treatment, which occurs because of opposition to workplace harassment.

D. Confidentiality – Considering the sensitive nature of harassment complaints, every effort will be made to keep the complaint and the name of the employee confidential and on a need-to-know basis. However, due to the nature of conducting an investigation of a complaint, confidentiality cannot be guaranteed. Reports, including the final report, will be distributed only to persons having a need or right to know. The reports will be maintained in a confidential file.

E. Reporting Procedures – An employee who believes he or she may have a complaint of workplace harassment may pursue any of the following actions:

1. The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individual know the behavior is offensive and instructing him/her to stop often resolves the problem.)
2. The employee should notify the Department Head of the situation. The Department Head will conduct an investigation into the allegation of workplace harassment and advise the employee and appropriate management officials of the outcome of the investigation. If the allegation is against the Department Head the complaint should be filed with the **Deputy** County Manager or **his/her designee**, who will conduct the investigation.
3. If the allegation of harassment is against the County Manager or an elected official, the complaint should be filed with the County Attorney, who shall personally conduct a confidential investigation into the allegation, or designate a representative to conduct the investigation and advise the employee and Board of County Commissioners on the outcome of the investigation.

The report into an allegation of workplace harassment shall include:

- The specific conduct or complaint
- Who committed the alleged conduct
- When and where the conduct occurred
- Names of witnesses
- Number of alleged occurrences
- Any prior requests to cease conduct

F. Investigation of Alleged Workplace Harassment – If a confidential investigation is undertaken it shall include, but not necessarily be limited to, interviews with individuals who are believed to have knowledge of the matter including the alleged victim and the alleged harasser.

Employees named in reports and/or complaints will be given sufficient information about the allegation to provide them a reasonable opportunity to respond.

Employees shall cooperate fully in any investigation or may be subject to disciplinary action for failure to cooperate.

Upon receipt of a complaint, the County will take all appropriate steps to prevent the alleged conduct from continuing, pending completion of the investigation.

Upon completion of the investigation, the investigating party will issue a report of the investigation and findings, which will include the facts ascertained in the investigation.

G. Making False Accusations – Equally serious are false accusations of workplace harassment. Unwarranted accusations are demoralizing and slanderous. Such accusations can expose the accuser and Watauga County to litigation and damages. Furthermore, false accusations undermine the purpose of this policy. False accusations will result in disciplinary actions up to and including dismissal.

H. Disciplinary Action – Disciplinary actions may take any of the forms listed in Article VIII, Section 8, of the Watauga County Personnel Ordinance, from a written warning to dismissal.

SECTION 10. VIOLENCE IN THE WORKPLACE

A. Purpose –Watauga County is committed to providing a safe work environment. For this reason, the County has adopted a zero-tolerance policy for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the County of Watauga or which occur on County property will not be tolerated. Violations of this policy will result in disciplinary action up to and including dismissal and may result in criminal charges.

B. Definitions

1. Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence, or property damage and includes acts of violence committed by County employees, clients, customers, relatives, acquaintances or strangers against County employees in the workplace.

2. Intimidation is engaging in actions that includes but is not limited to stalking or behavior intended to frighten, coerce, or induce duress.

3. Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
 4. Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
 5. Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.
 6. Property Damage is intentional damage to property and includes property owned by the County, employees, visitors or vendors.
- C. Application – Watauga County’s zero tolerance policy for workplace violence applies to all persons involved in the County’s operation. Violations of this policy by any individual on County property, or by any individual action against a County employee when the actions affect the public interest or the County’s business interests will be followed by legal action. Violation by an employee of any provision of this policy will lead to disciplinary action up to and including dismissal.
- D. Prohibited Actions – Specific examples of conduct that may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to, the following:
1. Hitting or shoving an individual.
 2. Threatening to harm an individual or their family, friends, associates, or their property.
 3. The intentional destruction or threat of destruction of property owned, operated or controlled by Watauga County.
 4. Making harassing or threatening statements by telephone, letter or other forms of written or electronic communication.
 5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the County.
 6. Harassing surveillance, also known as “stalking”, the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
 7. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property. Employees who are required to possess a weapon as a part of their job duties are exempt from this provision; however, they may not use their weapons in violation of this policy. **Employees who possess concealed carry permits are disallowed from bringing guns into facilities where they are prohibited, such as the Watauga County Courthouse.**
- E. Retaliation – This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

- F. Employee Responsibility – Each employee of the County and every person on County property are encouraged to report incidents of threats or acts of physical violence of which they are aware. All reports of violence will be handled in a confidential manner, with information released only on a need-to-know basis. In cases where the reporting individual is not a County employee, the report shall be made to the Sheriff’s Office. In cases where the individual is a County employee, the report shall be made to the reporting individual’s immediate supervisor, a management level supervisory employee if the immediate supervisor is not available, or to the **Human Resources Director Personnel Officer**. Each supervising employee shall promptly refer any such incident to the appropriate management level supervisor, who shall take corrective action in accordance with the County’s Personnel Ordinance.
- G. Discipline – A violation of this policy shall be considered unacceptable personal conduct as provided in the Watauga County Personnel Ordinance, Article VIII: Separation, Disciplinary Action and Reinstatement. Acts of violence, as defined herein, will be grounds for disciplinary action, up to and including dismissal. In an effort to comply with this policy, the County reserves the right to search County vehicles, County workspaces and other County property.

SECTION 11. ALCOHOL AND CONTROLLED SUBSTANCE ABUSE-USE POLICY

- A. Purpose – In order to provide the best level of service to our citizens and to provide a safer workplace, Watauga County employees must refrain from the abuse of alcohol, verified controlled substances, prescription and certain over-the-counter medications. Additionally, the Department of Transportation has enacted alcohol and drug testing requirements for all employees who hold a Commercial Driver’s License (CDL) and drive a commercial vehicle for the County, called County CDL Drivers. This procedure will explain the process for assuring compliance with these regulations, and the procedures for maintaining a safe work environment free of alcohol and drugs.
- B. Policy – All County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in a County of Watauga workplace. This policy includes alcohol, controlled substances and prescription medications except for those prescribed medications taken within limits and duration as prescribed by a qualified physician.
- C. Coverage – All County employees, including interns and volunteers, with the exception of personnel of the Watauga County Sheriff’s Office, are subject to this policy. Employees of the Watauga County Sheriff’s Office shall be covered by the policies and procedures established by the North Carolina Sheriff’s Education and Training Standards Commission and the Watauga County Sheriff.

As the Sheriff and the Register of Deeds are elected officials, those individual Department Heads will have discretionary authority on disciplinary actions within their respective departments. The Director of Social Services shall also have discretionary authority on disciplinary actions within the Social Services Department as granted by North Carolina General Statutes. In addition, for those County employees that fall under the North Carolina State Personnel Act as competitive service employees, failing a controlled substance test or refusing a controlled substance test will be considered as personal misconduct within the meaning of the State Personnel Act and may subject the employee to disciplinary procedures outlined within the State Personnel Act.

- D. Definitions
 - 1. Accident – Incident involving a motor vehicle that results in a fatality; bodily injury to self or others resulting in medical treatment from a healthcare professional, or damage to a motor

vehicle. An employee involved in any accident shall notify their supervisor immediately or as soon as reasonably possible.

2. Alcohol Test – An assessment for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.
3. Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. has a gross combination of weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - b. has a gross vehicle weight rating of 26,001 or more pounds; or
 - c. is designed to transport 16 or more passengers, including the driver; or,
 - d. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Material Transportation Act and requires the motor vehicle to be placarded under the Hazardous Materials Regulations.
4. Confirmation Test – For alcohol, a confirmation test means a second test, following a screening test with the result of 0.02 or greater that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific controlled substance or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.
5. Conviction – A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
6. Controlled Substance – A substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.
7. Controlled Substance Test or Screening – An assessment, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following controlled substance or drug metabolites in the urine or blood of an employee:
 - a. Amphetamines
 - b. Barbiturates
 - c. Benzodiazepines
 - d. Cannabinoids
 - e. Cocaine
 - f. Methaqualone
 - g. Opiates
 - h. Phencyclidine
 - i. Propoxyphene
 - j. other drugs that may be determined to reduce work safety or work efficiency.
8. Employee Assistance Program – A program of counseling services for participants including assessment, evaluation, referral for treatment, and follow-up procedures. Watauga County pays for 6 visits per calendar year.

9. Injury – Incident in which an employee is involved in an accident involving injury to self or others, which meets the criteria listed below. An employee involved in any accident shall notify their supervisor immediately or as soon as reasonably possible.
 - a. The employee sustained a job-related injury that was serious enough to require medical attention by a health care professional and it is apparent that the employee was at fault or contributed to the accident.
 - b. Or, the employee caused or contributed to a job-related injury of another individual, whether fellow employee or citizen, which required medical attention by a health care professional. This could result from a vehicle or other type of accident.
10. Job Applicant – Any person who applies to become a part-time or full-time employee in a position requiring a commercial driver’s license, ~~maintenance, of a commercial vehicle, or the supervising of employees~~ who operate commercial vehicles for Watauga County.
11. Medical Review Officer – A ~~North Carolina~~-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorder, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee’s medical history. The medical review officer verifies a positive controlled substance test result by reviewing a laboratory report and an employee’s unique medical history to determine whether the result was caused by the use of a prohibited controlled substance or by an employee’s medical condition.
12. Negative Controlled Substance Test – means a test result that does not show the presence of drugs at a level specified to be a positive test.
13. Negative Alcohol Test – means a test that indicates a breath alcohol concentration of less than 0.02.
14. On Call or Standby Duty – When an employee is subject to receiving a call to report immediately to work for the County.
15. On Duty – When an employee is at the workplace, in a County vehicle or otherwise performing duties associated with his or her position with the County.
16. Other Substance – Any substance that has the potential to appreciably impair the mental or physical function of a person.
17. Pass a Controlled Substance Test – The result of the controlled substance test is negative. The test either:
 - a. showed no evidence or insufficient evidence of a prohibited controlled substance or drug metabolite;
 - b. showed evidence of a prohibited controlled substance or drug metabolite, but there was a legitimate medical explanation for the result as determined by a medical review officer.
18. Pass an alcohol test – A negative alcohol test less than .02. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.
19. Positive Controlled Substance Test –A laboratory finding of the presence of a controlled substance or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

20. Positive Alcohol Test – A breathalyzer or blood test which confirms the presence of alcohol at a level of 0.02 or greater.
21. Prescription Controlled Substances – Any employee with prior knowledge that the use of a prescribed medication under the doctor’s direction or over-the-counter medication that could alter the employee’s ability to perform the duties and responsibilities of the position must notify their supervisor. The employee is responsible for ascertaining from a health care professional the effects of any prescribed controlled substance being taken. Failure to obtain such information may result in disciplinary actions.
22. Random Testing – Testing conducted on an employee assigned to a safety-sensitive position that is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.
23. Reasonable Suspicion – A belief, based upon specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or illegal controlled substances. Circumstances that constitute a basis for determining reasonable suspicion may include but are not limited to any of the following:
 - a. presence of the physical symptoms of controlled substance or alcohol use (for example, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)
 - b. a pattern of unusual or erratic behavior (for example, confusion, disorientation, lack of coordination, marked personality changes, irrational behavior, physical altercation, verbal altercation)
 - c. a pattern of excessive absenteeism, tardiness, or deterioration of work performance
 - d. an accident resulting in damage to property or personal injury
 - e. a pattern of unexplained accidents and/or information based on specific objective facts that an employee has caused or contributed to an accident at work while under the influence of a controlled substance or alcohol
 - f. direct observation of controlled substance or alcohol use
 - g. possession of controlled substances
 - h. verifiable information obtained from other employees based upon their observations
 - i. arrests, citations, and deferred prosecutions associated with controlled substances or alcohol.
 - j. evidence that an employee is involved in the unauthorized possession, sale, solicitation, or transfer of controlled substances or alcohol while working or while on the County’s premises or operating a County vehicle, machinery, or equipment
24. Refuse to Submit – An employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; (3) refuses to sign the breath alcohol confirmation test certification; (4) refuses to sign the ~~Controlled Substance And Alcohol and Controlled Substance Use Policy Screening For Reasonable Suspicion Authorization And~~ Acknowledgment form; or (5) engages in conduct that clearly obstructs the testing process.
25. Safety Sensitive Position – The duties of the position create, or are accompanied by, such a great risk of injury to other persons or to property that even a momentary lapse of attention, judgment, or dexterity could have fateful consequences. Examples of these positions include:

- a. Full- or part-time positions requiring a commercial driver's license (CDL), performing maintenance on a commercial vehicle, and supervisors responsible for controlling the movement of commercial vehicles for Watauga County.
- b. Full- or part-time positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which could create a security risk in the workplace.
- c. Other positions as determined on a case-by-case basis.

26. Supervisor – Any employee who has the authority to direct the job activities of one or more employees. With respect to a particular employee, the term means the employee's immediate supervisor, Department Head, the County Manager or his/her designee, or any other person having indirect supervisory authority over the employee.

27. Substance Abuse Professional – A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of clinical experience in the diagnosis and treatment of both controlled substance- and alcohol-related disorders.

28. Workplace – The location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes, but is not necessarily limited to, County buildings and facilities, break rooms and restrooms, outdoor worksites, County or personal vehicles (while the personal vehicle is being used for County business), computer work stations, conference rooms, hallways, private offices, open or partitioned work areas, public contact or customer service areas, and parking lots.

E. Education – All County employees have the right to know the dangers of controlled substance abuse in the workplace, the County policy about controlled substance abuse and the assistance available to combat controlled substance abuse dangers. To assist the employees, the County offers the following rehabilitative help:

- 1. Limited medical benefits for substance abuse treatment, as defined by the County's current medical insurance carrier, and
- 2. Employee Assistance Program- Watauga County pays for 6 visits per calendar year. Any other visits mandatory or voluntary will be the responsibility of the employee. **The County Manager may, in the exercise of his/her discretion, approve additional EAP visits for employees, at the expense of Watauga County, in exceptional circumstances related to traumatic events occurring in the regular discharge of duties as a County Employee.**

F. Reasons for Controlled Substance or Alcohol Tests:

- 1. Mandatory Testing and Random Testing of Employees – The County uses Mandatory Testing and Random Testing only as required by law. All CDL job applicants, as defined in this policy, shall be required to undergo a controlled substance test upon an offer of employment and prior to their final appointment.

To comply with U.S. Department of Transportation requirements, random unannounced tests will be given to a predetermined percentage of County CDL Drivers. These employees are

selected in a statistically sound random selection process from a pool of all eligible County CDL Drivers.

Random alcohol tests shall be given annually to at least 25 percent of the average number of County CDL Drivers.

Random controlled substance testing shall be given to at least 50 percent of the average number of County CDL Driver positions. In the event a driver who is selected for a random test is on vacation or extended leave, the County can either select another County CDL Driver for testing or keep the original selection confidential until the driver returns. A supervisor can tell an employee to go for a random controlled substance test at any time during the workday, as long as the employee can get to the testing site in time for the test to be performed. Once an employee has been told that he/she has been selected for a random test, the employee must immediately report to the testing site. The employee cannot continue to perform a safety sensitive function once notified. The employee can return to work the same day of the random controlled substance test and resume safety sensitive duties.

2. Post-Accident -

Alcohol or controlled substance testing is mandatory for all County employees involved in an accident (motor vehicles/equipment or injury, meeting any of the requirements below) while in the performance of their job duties, even if there is no reasonable suspicion that an employee was under the influence of alcohol or a controlled substance.

An employee involved in any accident shall notify their supervisor immediately or as soon as reasonably possible. An employee involved in an accident in which he or she may be required to undergo alcohol testing, must refrain from drinking alcohol for **8** hours, or until he/she undergoes a Post-Accident test, whichever comes first.

Motor Vehicle – An alcohol or controlled substance test will be given to County employees driving a County vehicle or their own personal vehicle while in the performance of their job duties following an accident if one of the following situations happens;

- a. someone was killed, or
- b. the driver has been cited by the police for a moving violation and either the vehicle was towed or someone received medical treatment away from the scene of the accident, or
- c. it is apparent to the police officer or the supervisor that the employee driving was at fault or contributed to the accident where there is property damage, or someone received medical treatment away from the scene of the accident.

Injury to self or others – If an employee is involved in an accident involving injury to self or others, which meets the criteria listed below, the employee will be required to undergo alcohol and controlled substance testing. An employee involved in any accident shall notify their supervisor immediately or as soon as reasonably possible.

- a. The employee sustained a job-related injury that was serious enough to require medical attention by a health care professional and it is apparent that the employee was at fault or contributed to the accident.

- b. Or, the employee caused or contributed to a job-related injury of another individual, whether fellow employee or citizen, which required medical attention by a health care professional. This could result from a vehicle or other type of accident.
3. Reasonable Suspicion – The County requires testing of any employee upon observable signs sufficient to cause reasonable suspicion that he/she has violated this policy. Supervisors must document reasonable suspicion using the *Observed Behavior - Reasonable Suspicion* form (Appendix B). In accordance with 49 CFR 391.99 (d) the *Observed Behavior - Reasonable Suspicion* form must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. The County Manager or his/her designee shall be notified whenever possible before testing an employee for reasonable suspicion or as soon as possible thereafter.

The decision to test will be based on specific, simultaneous observations by a supervisor concerning the appearance, behavior, speech or body odors of the employee such as directly observing controlled substance or alcohol use and/or the physical signs of being under the influence of a controlled substance (slurred speech, alcohol smell on breath, incoherence, loss of coordination, etc.).

Employees tested on the basis of Reasonable Suspicion will normally be placed on non-disciplinary suspension while awaiting results.

4. Return to Duty Test – If a County employee is allowed to return to duty after having a positive controlled substance or alcohol test, or otherwise engaging in prohibited conduct related to substance abuse, then the employee shall undergo a Return to Duty alcohol or a substance abuse test as appropriate. The result of any alcohol test must be less than 0.02. The result of any controlled substance test must be negative. The employee must be evaluated by ~~the~~ **an approved** Employee Assistance ~~provider counselor~~, cooperatively participate in any program prescribed by the EAP, and be recommended by the EAP to be returned to work. The employee must sign a *Reinstatement Agreement* form (Appendix D).
5. Follow-up Test – Under Department of Transportation regulations, if a County CDL Driver is allowed to return to duty as a commercial driver, following referral, evaluation, and treatment, a minimum of 6 unannounced alcohol and/or controlled substance tests will be required during the next 12 months of employment, as well as continued follow-up testing for up to 60 months. Any employee returning to a non-CDL job assignment is subject to follow-up testing as deemed necessary by the County. Follow-up testing may continue for up to 60 months following return to duty at the County's discretion.
6. Pre-employment – Final candidates for all CDL positions must consent to and participate in controlled substance testing prior to employment. Such tests may include urine and/or breathalyzer analysis. Verified Positive Controlled Substances Test Results that cannot be substantiated by medical evidence of legitimate prescribed controlled substance use will be cause for disqualification. Alcohol testing will also be conducted for all positions which require a CDL if the Department of Transportation requires such testing. The applicant will test at a level below 0.02, or the applicant will be considered unqualified for a County CDL Driver job. Applicants will be advised of any disqualification under this policy. If an employee is initially hired without a CDL controlled substance test, then obtains a CDL learners permit or license, he or she must get a CDL controlled substance test, and must be included in the Random test pool.

7. Other: Admission, Confirmed Report, positive CDL test from other employment, recommendation of health care professional, or other deemed appropriate. – Management has the right to send the employee for alcohol and / or controlled substance testing;
 - a. If an employee admits that he/she has used a controlled substance,
 - b. If there is a confirmed report of observed use of alcohol or confirmed report of observed use of any controlled substance which may violate this procedure,
 - c. If employed as a CDL Driver for the County and any other employer, and the employee has a positive controlled substance or alcohol test resulting from a DOT controlled substance testing program from the other employer.
 - d. Other reasons deemed reasonable and legal by management.

Employees tested as a result of any of the above will normally be placed on non-disciplinary suspension while awaiting results.

No employee shall report to the work place impaired by drugs prescribed by a physician or over-the-counter medications. It is the employee's responsibility to inquire from a health care professional the effects of the particular medication being taken. Failure to notify supervisor and/or testing facility of the use of a prescription-controlled substance will be treated as a positive test result.

G. Procedures for Alcohol and Controlled Substance Testing

1. Failure to Conduct Testing – An alcohol or controlled substance test is required for Post-Accident or Reasonable Suspicion. Supervisors are responsible to make all reasonable efforts to assure that the employee undergoes Post-Accident/Injury or Reasonable Suspicion testing. **If not administered within 2 hours of the incident, the supervisor will prepare and maintain on file a record stating the reasons the test was not administered. Supervisors should continue to attempt to get the employee tested. If the alcohol test is not administered within 8 hours, or the controlled substance test is not performed within 32 hours, the County will cease to administer the test, and the supervisor will explain why the test was not administered and send documentation to the Human Resources Personnel-Department. If the supervisor fails to give ample justification as to why the test was not administered, the supervisor will face disciplinary actions.**
2. Escorting Employees to Testing Site – Employees selected for random controlled substance testing for CDLs will be notified by the County's testing agency, and will not be escorted by a County employee. In the case of Reasonable Suspicion testing, or if the supervisor believes that the employee is impaired and the employee is scheduled for testing for another reason, the supervisor should arrange for escort and transportation of the employee to the testing facility. A supervisor who suspects that an employee is impaired, will make arrangements to get the employee safely from the testing site back to the work site, home, or to another appropriate location. Do not allow the employee to drive themselves to the test or leave the employee at the testing site.
3. Alcohol Testing Procedures –In most cases **only** an **alcohol saliva test** or breath sample will be performed. However, if the situation warrants it, a blood sample might be required. If an employee refuses to undergo the alcohol test, the employee will be subject to disciplinary action up to and including dismissal.

Alcohol testing will be performed in an area, which gives privacy to the employee. A Breath Alcohol Technician (BAT) will perform the test, or other qualified medical professional will conduct the alcohol saliva test following procedures accepted under the Department of Transportation.

If the result is less than 0.02, no further testing is authorized, and the results will be sent in a confidential manner to the County and stored by the County in a confidential manner. If a result is 0.02 or greater, a confirmation test must be performed to verify the initial test. If the results differ, the confirmation test results will be considered the valid test. Both the employee and the technician will sign and date the test results.

If the employee does not provide an adequate amount of breath, the County will direct the employee to seek a medical evaluation at the employee's expense as soon as possible from a licensed physician who is acceptable to the County. The physician will state in writing if there is a medical condition, which prevents the employee from providing the necessary breath. If there was a medical reason, the County will reimburse the employee for his or her expenses. If the physician states there are no medical reasons, the employee will be considered to have refused the test, and will be subject to disciplinary actions up to and including dismissal.

4. Controlled Substances Testing Procedures – The County will contract with medical facilities who are certified by the Department of Health and Human Services, and who follow the procedures established by them. The County will contract with health care professionals for collecting specimens and conducting analysis. Chain of custody procedures for sample collection and testing will be used to ensure proper record keeping, handling, labeling and identification of samples. The County will only use a laboratory for analysis, which has received appropriate certification(s). Appropriate measures shall be taken to ensure confidentiality and accuracy of results. In most cases, only a urine sample will be taken. However, if the situation warrants, a blood sample may be required.

The specimen will be split into two bottles, so that the second specimen may be analyzed if a positive result is obtained from the first test. The employee will have 72 hours from being notified of a positive test result to request and pay for the analysis of the second specimen. Refusal to cooperate with the requests of the collection site person will be considered refusal of testing and will result in disciplinary action up to and including dismissal. If the collection site employee believes tampering of the specimen has occurred, the collection site will follow the procedures it has established to deal with this situation.

- a. Status Pending Test Results – Employees tested on the basis of Reasonable Suspicion or tested because of admission or a confirmed report will normally be placed on non-disciplinary suspension while awaiting results.
- b. Medical Review Officer - The laboratory will report positive test results of County CDL drivers and other employees to a Medical Review Officer (MRO). The MRO will contact the employee to give the employee the opportunity to discuss the test result. It is in the best interest of the employee, and is required by the County, to cooperate fully with the MRO by returning phone calls immediately and providing whatever information the MRO requests. If the MRO cannot reach the employee directly, a designated County official will be called and told to contact the employee, who will be ordered to contact the MRO. The MRO may deem it necessary to discuss issues with the employee's private physician or pharmacist to determine if there is a basis for the positive test result.

Under the split sample collection procedures, the County CDL Driver and other employees have 72 hours following notification of a positive result to request the secondary sample be analyzed at his or her expense. If a split sample was not taken, or was not adequate quality, the original test would be voided and the driver would not be subject to a retest.

After the Medical Review Officer makes a determination the County will receive a report in a confidential manner.

H. Consequences of positive tests, insubordination, and challenging results:

1. Consequences –

- a. Positive controlled substance or alcohol test greater than 0.02 - Any employee with a verified positive controlled substance test result and/or alcohol breath test with a confirmed result of 0.02 or greater or any employee found possessing or using controlled substances or alcohol at the workplace shall be subject to one or more of the following:
- will be directed to seek assistance from the Employee Assistance Program (EAP). The employee will be placed on Leave Without Pay from the day following notification from the MRO telling management of the verified positive controlled substance test until the day of the first EAP appointment. If the employee has accrued leave, the employee will be allowed to use leave from the day of the first EAP appointment until the employee is released to return to work. The employee must sign the Authorization to Release Confidential Information form between the County and the EAP provider (Appendix C), or
 - will not be allowed to drive a County vehicle for one year, or
 - will be subject to disciplinary action up to and including dismissal at management's discretion.

An employee permitted to continue employment after a positive controlled substance or alcohol test or after voluntarily identifying himself/herself as a controlled substance user will be required to cooperate fully with the provisions of a recommended rehabilitation program as prescribed by the Employee Assistance Program or comply with any long-term treatment programs which are recommended. Participation in the Employee Assistance Program is mandatory. Disciplinary action is not automatically suspended by an employee's participating in the Employee Assistance Program and may be taken against employees for performance issues or conduct violations. Those employees participating in the Employee Assistance Program will be subject, during participation, to unannounced and random controlled substance tests in accordance with the aforementioned testing procedures. Upon a positive controlled substance test result, the employee will be subject to dismissal. Those employees participating in the Employee Assistance Program who satisfactorily complete the program prescribed will be subject to unannounced and random controlled substance tests for a period of two years after completion of the said program. Satisfactory completion will be determined by the County Manager or his/her designee with the guidance of the staff of the Employee Assistance Program. Failure to enter or complete the prescribed program shall be considered by the County as voluntary termination of employment initiated by the employee.

The County will pay for the first six (6) visits of an employee to the Employee Assistance Program during a calendar year. All other visits, voluntary or mandatory, will be the responsibility of the employee.

An employee permitted to continue employment after a positive controlled substance or alcohol test must have a negative controlled substance or alcohol test before being reinstated to any position in the County.

- b. If an employee driving a County vehicle is involved in a fatal accident, and tests positive in a verified controlled substance or alcohol test, then the driver will be dismissed.

2. Insubordination: Refusing to Undergo Testing, Refusing to Cooperate, or Tampering

An employee who tells a supervisor that he or she refuses to be tested or refuses to sign the appropriate paperwork will be advised that such behavior is considered insubordination and that continued refusal will result in discipline up to and including dismissal. In cases not involving a fatal accident, if the employee refuses to cooperate after being told of the consequences, the supervisor must document the refusal. An employee is required to submit to an alcohol test immediately, but no later than 8 hours in a post-accident situation.

If the employee was involved in a fatal accident and refuses to take the test, then he or she will be dismissed.

Failure to provide a specimen or second specimen if there is a question about the first, failure to cooperate with the collection site personnel, or tampering with test procedures or results will lead to disciplinary action up to including dismissal.

3. Challenging Results

An employee or applicant has 72 hours from being notified of a verified positive controlled substances test result to request that the split specimen be tested, at the employee's or job applicant's expense.

The employee may appeal pursuant to the Grievance Procedure as outlined in the County Personnel Ordinance.

Temporary and non-regular employees who test positive may be released without recourse or appeal.

4. Consequences to Job Applicants

A job applicant will not be considered for employment with the County for at least one year in any of the following scenarios;

- a. A job applicant has a verified positive controlled substances test result, or
- b. If there is a change to federal or state law in the future requiring applicant alcohol tests, if the applicant has an alcohol breath test with a confirmed result of 0.02 or greater, or
- c. The job applicant admits drug or alcohol use that violates this policy.

Any job applicant, who applies for another position with the County after one year but within two years, must provide a letter from a substance abuse professional stating that the individual has successfully completed a rehabilitation program and that the individual is able to return to the workforce. This letter should be marked confidential and directed to the Personnel Department.

Job applicants who refuse a test will no longer be considered for any position.

I. Confidentiality of Records

The ~~Human Resources Personnel~~ Department shall maintain the confidentiality of test results, EAP referrals and employment status. Access to these records by ~~Human Resources Personnel~~ Department employees shall be controlled and limited to employees designated by the Human Resources Director. The reports or test results may be disclosed to management on a strictly need-to-know basis and to the tested employee upon written request. Information will be released only as required by law or as expressly authorized. Disclosures may also occur when:

- a. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.
- b. The information is compelled by law or by judicial or administrative process.
- c. The County must allow any DOT authorized agency access to facilities and records in connection with the County's alcohol and controlled substance abuse policy.
- d. When requested, the County will disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.
- e. The County will make records available to a subsequent employer upon receipt of a written request from the employee.
- f. The County may disclose information to the employee or to the decision-maker in a lawsuit, grievance or other proceedings initiated by or on behalf of the individual. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.
- g. With employee consent, if the information is to be used in administering an employee benefit plan.

J. Notification of Charges

An employee charged with an alcohol or controlled substance related criminal offense shall notify the Department Head no later than five (5) days after such charge or conviction. Failure to notify one's Department Head shall be grounds for dismissal.

SECTION 12. EMPLOYEE ASSISTANCE PROGRAM

- A. Purpose – To provide confidential counseling for classified employees and their dependents in overcoming such persistent problems that may tend to jeopardize their health and continued employment.
- B. Policy – It is the policy of Watauga County to assist, in a confidential manner, employees who may be having personal problems which may be affecting work performance or causing excessive absenteeism. These problems may be a result of stress, substance abuse, emotional or financial problems, family matters, or other concerns. This policy recognizes that these conditions are hopefully of a temporary nature and the County encourages employees to seek professional assistance.

This service will be available to all regular County employees and their spouse or ~~minor~~ children. Each regular employee or family member is eligible for a combined total of six (6) free visits annually. Any additional visits shall be the financial responsibility of the employee.

Eligible County employees may utilize this service at their own initiative without their supervisor's permission. Time off from work must be approved through the normal procedures.

- C. Supervisor Responsibility – It is the responsibility of the immediate supervisor to identify and document poor job performance, attendance or behavioral problems, whether they are continuous or intermittent. The supervisor is not responsible for diagnosing the cause for such problems but will advise the employee of the employee assistance program when it is apparent that normal supervision has not resolved the performance, attendance or behavioral problem.
1. When an employee's performance, attendance or behavior is unsatisfactory, it will be called to their attention by their supervisor.
 2. If performance, attendance or behavioral problems continue, the supervisor will discuss the problem privately with the employee.
 3. When a problem is identified, the supervisor will not delve into the employee's personal life to try to find causes. If it appears that the employee cannot or will not improve their performance, attendance or behavior, the employee will be advised of the employee assistance program.
 4. If the employee accepts the offer of help and their job performance, attendance or behavioral problems improve to a satisfactory level, no further action will be taken.
 5. Whether the employee refuses or accepts the offer of help, **if and** job performance, ~~if~~ attendance or behavioral problems continue, the regular discipline procedures of Watauga County will apply.
- D. Program Administrator Responsibility – The County Manager or his designee is the Program Administrator who will be responsible for the program and in working with the professional provider(s).
- E. Confidentiality, Documentation, and Records – The provider used by the County for diagnosing and counseling employees in need of assistance shall maintain only such records as are necessary and shall not release them without written authorization of the employee. Such records will be handled in the same confidential manner as other medical and hospital records. **Documentation of an employee's use of EAP visits is required by the County for billing purposes only.**

SECTION 13. COMPUTER USE POLICY

- A. Purpose – Watauga County's computers, computer systems, and computer networks, as well as, the data they store and process, must be operated and maintained in a secure, responsible manner. It is critical that these systems and machines be protected from misuse and unauthorized access.
- B. Policy – **This policy applies to all County-owned or leased computers and peripherals, hardware, software, and the network (Internet and Intranet) as well as anything connected to County systems or networks.**

Employee owned **devices** ~~personal-computing-systems~~ shall not be connected to the County's network without prior approval from the Information Technologies Department. If this connection is

approved, the use of these systems shall be subject to these standards and guidelines as set forth herein.

All communications and information transmitted by, received from, or stored in County systems are considered data and the property of the County. Employees have no right of personal privacy or any expectation of privacy in the content of this data. Use of County IT resources constitutes consent to the monitoring of the use of these systems. Systems and data may not be continuously monitored, but not monitoring a system or data does not constitute a waiver of the right to monitor.

In addition to this policy, users are subject to applicable state and federal laws. Improper use or misuse of County computer systems on a person's work time or after hours is a violation of County personnel policies and may lead to disciplinary action including suspension, demotion or dismissal.

This policy is not intended to supersede any existing laws or policies regarding records that are confidential, including, but not limited to, juvenile records in the Sheriff's Office, certain information contained in personnel files, client files in Project on Aging, Social Services records, and Veteran's Service Office client records. Also, this policy does not address public access issues. It is intended for internal use only.

C. Security – Security refers to the protection of all computer equipment resources from any kind of damage and the protection of data from unauthorized access, distribution, modification or destruction. ~~The following procedures will, if used properly, prevent any of the above mentioned occurrences from happening:~~

1. Users must be authorized access to the County's computer systems by the Information Technologies Department (IT) ~~and/or Network Administrators (where applicable)~~ after the appropriate Department Head has requested the same in writing. ~~No County systems may be accessed before the user is authorized.~~ The written request must include the ~~systems accounts~~ to be accessed by the user. ~~Only the authorized accounts for those systems may be used~~ Users may only access systems they have been authorized to access and only for authorized purposes.
2. Users are responsible for safeguarding their own computer access, which includes ~~not sharing or allowing anyone else knowledge of their~~ passwords and ~~shutting down, logging off, or locking their computer~~ when it is not in use.
3. Users SHALL NOT let another person use their access ~~or use someone else's access~~ unless IT ~~or Network Administrator (where applicable)~~ approves the use and purpose. Users are directly accountable for all activity connected to their user ID.
4. Passwords ~~will be changed every three (3) months and~~ SHALL NOT be divulged to any other person. Passwords should be memorized and not written down unless kept in a secure place. ~~Passwords should be changed when prompted by the system, the IT Department, or when it is suspected that the password has been compromised.~~ Passwords used for access to County systems should not be reused anywhere else (i.e., to log into an external website).
- ~~5. Users should log off the system if they must leave the immediate area of their workstation for an extended period of time. (i.e., lunch hours).~~
6. If a user is dismissed for any reason ~~or is on extended leave,~~ IT ~~or Network Administrator (where applicable)~~ must be notified immediately by the Department Head so that dismissed user account can be ~~disabled or~~ removed from the system.

7. Users SHALL NOT attempt to bypass security mechanisms.
8. Users SHALL NOT engage in abuse or misuse of the County's computing systems as previously defined.
9. Users SHALL NOT violate any rules in other portions of the County Personnel Ordinance, local, state, or federal laws via County computing systems or communications.
10. Users shall ~~disclose to their Department Head, who shall then~~ notify IT of any suspected or confirmed unauthorized use or misuse of computing systems and also any potential security loopholes **immediately**.

D. Acceptable Use – At all times when an employee is using Watauga County technology resources, ~~they are he or she is~~ representing the County. ~~Use the same good judgment in all resource use that you would use in written correspondence or in determining appropriate conduct.~~

While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided technology resources, Watauga County employees are expected to use them responsibly and professionally. They shall make no intentional use of these resources in an illegal, malicious, inappropriate or obscene manner.

The County understands that a minimal amount of personal use of County computers and data communications may occur. Personal use of those resources must ~~ensure insure~~ that the County incurs no cost for the use (County-time or additional charges) ~~and that this use in no way interferes with the normal operation of the County network and systems (i.e., using too much bandwidth)~~. The Department Head may limit or curtail personal use, as the Department Head deems reasonably necessary, on a case-by-case basis.

Users are required:

1. To respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files, data, or passwords belonging to other users, unless explicit permission to do so has been obtained. ~~It shall be understood that this rule does not apply to Supervisory personnel, who shall be given have rights to access to any files generated created by staff users in their respective departments upon request to IT. All files are County property.~~
2. ~~To not make or use illegal copies of copyrighted material, store such material on County equipment, or transmit such material over the network. respect the legal protection provided to programs and data by copyright and license. The County owns licenses to a number of proprietary programs that allow the County to use the software but severely restricts anything other than the use of the software on a single computer or network. Any redistribution of software from the computing systems breaches agreements with our software suppliers, as well as applicable federal copyright, patent and trade secret laws. U.S. Copyright Law provides for civil damages of \$50,000 or more and criminal penalties including fines and imprisonment in cases involving the illegal reproduction of software. Therefore, no copying, downloading, or distributing of any copyrighted materials, including but not limited to messages, e-mail, text files, program files, image files, database files, sound files and music files is allowed without prior authorization by IT.~~

In addition, software of any kind shall not be installed onto any Watauga County computer system without prior approval of the IT Department, ~~and any unapproved software may not be~~

run on any County computer system. ~~This includes shareware, freeware, personal software, or Internet distributed software.~~

3. To protect data from unauthorized use or disclosure as required by state and federal laws and agency regulations (i.e., confidential information).
4. To respect the integrity of County computing systems: ~~for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system, or~~ and to not otherwise interfere with ~~data, hardware, or system~~ the operation of County systems.
5. To not store an excessive amount of personal data on the County systems.

E. Unacceptable Use – Uses that do not conform to the purpose, goals, and mission of the County and to each user’s authorized job duties and responsibilities.

Examples of unacceptable activities include but are not limited to:

1. Private or personal, for-profit activities (e.g., consulting for pay, sale of goods ~~such as Avon and Amway products~~, etc.);
2. Use for any illegal purpose, including communications that violate any laws or regulations;
3. Transmitting or soliciting threatening, obscene or harassing ~~or politically natured~~ messages or images;
4. Viewing pornographic or sexually oriented material, except as deemed necessary to conduct criminal investigations or child-welfare investigations (as approved by supervisor);
5. Intentionally seeking information about, obtaining copies of, or modifying of files or other data, ~~or passwords~~ belonging to other users, unless explicit permission to do so has been obtained from IT;
6. Interfering with or disrupting users, services or equipment. Such disruptions would include, but are not limited to: 1) distribution of unsolicited advertising or messages, 2) propagation of computer worms or viruses, and 3) attempting to gain unauthorized entry to another computer or computer system whether owned by the County or ~~another entity or individual~~ outside of the County;
7. Removing any computer equipment (hardware, software, data, etc.) without ~~supervisor’s authorization and~~ IT authorization notification;
8. Allowing non-county employees, including an employee’s family or friends, to use the County’s technology resources.

F. Electronic Mail ~~— Electronic mail is intended for County business only. All e-mail messages are the property of the County and subject to public inspection. The County Manager or his/her designee, IT staff and supervisory personnel have the right to review the contents of employees’ e-mail communications.~~

~~When sending or forwarding e-mail, all employees shall identify themselves clearly and accurately including full name, organization, department and full e-mail address.~~

~~Unacceptable uses of e-mail include, but are not limited to:~~

- ~~1. Sending chain letters.~~
- ~~2. Sending copies of documents in violation of copyright laws.~~
- ~~3. Compromising the integrity of the County and its business in any way.~~
- ~~4. Sending messages containing offensive, abusive, threatening, obscene, harassing, or other language inappropriate for the organization.~~
- ~~5. Sending messages that violate the County's sexual harassment policy.~~
- ~~6. Willful propagation of computer viruses.~~

- G. ~~Virus Protection – Every computer user is to remain vigilant and alert to the possible transmittal and infection of a computer virus. Most e-mail viruses are transmitted through attachments. Never open attachments that contain the following extensions: .exe, .vbs, .com, .bmt, .hta, .shs, .vbe, and .cmd. Upon detecting any virus, or suspected virus, users are to cease activity immediately and report it to IT or Network Administrator (where applicable).~~

~~Appropriate anti-viral software will be installed by IT on every PC or workstation. Updates to the antivirus software will be performed by the IT Department at regular intervals from a central server located in the IT Department.~~

- F. ~~Internet Use – A County Internet access account~~ is a resource granted to employees ~~upon Department Head approval~~ to increase productivity and provide opportunities for professional growth.

The County has software and systems in place to block access to offensive and/or inappropriate websites. This software/system can also monitor and record all usage.

All Internet users are expected to comply with Section III (Acceptable Uses) of this Computer & ~~Data Communications~~ Use Policy. Improper use could result in the cancellation of a user's computer ~~Internet~~ account and will result in disciplinary action.

~~The Internet provides easy access to software distributed by companies on a trial basis. The free access does not necessarily indicate that the software is free or that it may be distributed freely. Users are expected to comply with the copyright policy as previously stated in Section III (Acceptable Uses).~~

- H. ~~Social Media and Cloud Storage – Forms of electronic communication (such as websites for social networking, including Facebook, Instagram, etc.) through which users create online networks and communities to share information, ideas, personal messages, and other content including text and visuals.~~

Cloud Storage: Files stored on the Internet including but not limited to documents, spreadsheets, images, videos, databases, and other media. Examples of cloud storage include but are not limited to Office 365, Google Drive, Microsoft OneDrive, Apple iCloud, and Adobe Creative Cloud.

Employees of Watauga County are required to notify and obtain prior approval from their Department Head and the IT Department before creating any social media account to be used for business-related purposes. All work-related social media accounts must be set-up using County email addresses and phone numbers, not using personal contact information, as Watauga County will serve as the “owner” of the account.

All County social media accounts must be connected, through the IT Department, to the required service that stores and archives all posts and conversations for public records/retention.

Employee use of social media should follow the below guidelines:

- Use of personal social media accounts should be limited during working hours and should not create a hindrance of job performance.
- When registering online accounts for personal use employees should not use their company email address, and use of social media on company equipment is discouraged unless it is work-related.
- Employees of Watauga County should use decorum in personal or work-related social media posts and refrain from statements of visuals that would discredit the County.
- Employees are prohibited from posting any County related confidential or protected information.
- All work-related social media accounts should be used in compliance with all social media policies and operating procedures of Watauga County and/or the individual County Department.

H. Purchasing – The purchase of computer hardware, peripherals, software – including web-based software, and other IT related software, services, and equipment must be made through the Information Technologies Department or with IT authorization.

I. Records Retention – Employees of Watauga County are required by law to follow State records retention requirements. Examples include but are not limited to; paper records, files and emails stored on an employees’ computer; and the County network, voicemail, text messages, and social media.

Each employee and department are the custodian of their own records and they are responsible for following the adopted retention schedule in place for their department.

With regard to records retention and inspection, employees shall not use their personal email for County business without IT authorization. A County email account will be provided instead, as necessary to appropriate County Employees.

J. Compliance – The IT Director and ~~County Administration Department Head~~ will review reported and perceived violations of this policy and may impose restrictions, suspend or terminate computer access, or remove computer equipment during or as a result of an investigation. Other appropriate action in response to abuse or misuse of computer resources may include, but not be limited to:

1. Reimbursement to the County for resources consumed;

2. Other legal action, including action to recover damages;
3. Disciplinary action, including suspension, demotion, or dismissal pursuant to Watauga County's Personnel Ordinance.

Department Heads will be responsible for the enforcement of the County's Computer and Data Communications Policy.

SECTION 13. CELLPHONE AND PAGER POLICY

- A. Policy – Watauga County provides cellular telephones **or monetary cell phone allowances as necessary for employees in specified positions to ensure their continuous accessibility,** ~~and pagers~~ to improve customer service and enhance business.
- B. Acquisition and Use of Cellular Telephones and Pagers – The acquisition and use of cellular telephones ~~and pagers~~ by Watauga County employees or the payment of a cellular telephone allowance will be based on a rigorous analysis and justification, **considering** cost, efficiency, and enhanced job performance. The use of County cellular telephones ~~and pagers~~ is subject to all rules and regulations contained in this ordinance regarding the use of County property. **County issued** cellular telephones ~~and pagers~~ shall be used for official County business only; they are not to be used for personal use except in true emergency circumstances. If it is absolutely necessary to use a **County issued** cellular telephone for personal calls, the employee shall **notify their supervisor ~~log the call~~** and, if any additional charges above the County's basic rate plan are incurred due to personal calls these charges are the responsibility of the employee and shall be reimbursed to the County within 10 business days after the cellular telephone bill due date.
- D. Cellular Telephone Safety – **Employees should not use their cellular telephone while driving, operating equipment, or any other job-related tasks in which a distraction of cellular phone usage may create a safety risk, with exceptions for emergency personnel.** Plan your calls before you begin your trip, and make calls when your vehicle is parked. **For County issued cellular phones, employees should** carefully read your instruction manual and be familiar with your phone's features. Place your wireless phone in your vehicle where you can reach it without removing your eyes from the road. Avoid conversations during hazardous driving conditions or situations. Heavy traffic can be as hazardous as rain, sleet, snow and ice. Do not take notes or look up phone numbers while driving. As a driver, your first responsibility is to pay attention to the road. Dial 911 in case of fire, traffic accident, road hazard, or medical emergencies. If you see an auto accident, crime in progress or other serious emergency where lives are in danger call 911 and give the exact location and your wireless number.

SECTION 14. TOBACCO USE POLICY

In order to maintain a comfortable, safe and healthy working environment, use of all tobacco products is prohibited in County buildings and vehicles.

WATAUGA COUNTY TOBACCO USE POLICY

A. Purpose – Watauga County is committed to protecting the public health and providing a safe work environment for employees, volunteers, contractual persons, and the public by prohibiting the use of tobacco products in any building or structure owned or leased by the County. In support of this commitment, the use of tobacco products will be prohibited in all County-owned or leased buildings, grounds, parking areas, walkways and vehicles.

B. Policy – The use of tobacco products is prohibited in all County-owned or leased buildings, grounds, parking areas, walkways and vehicles. The term tobacco products include, but is not limited to cigarettes, cigars, chewing tobacco, snuff and pipe smoking. Time will not be made available to allow employees to leave the workplace in order to use tobacco products.

THIS POLICY HAS BEEN IN IS-TO-BE EFFECT SINCE JANUARY 1, 2007.

C. Applicability – All employees, volunteers, contractual persons, and the public.

~~D.~~ Employee's Responsibility – Comply with the tobacco use policy. ~~Request reimbursement of fees for tobacco cessation programs and aids through 1/01/2007.~~

E. Supervisor's Responsibility – Ensure the tobacco use policy is enforced. Answer employee questions related to the tobacco use policy. ~~and the tobacco cessation programs/options.~~

F. Human Resources' Responsibility – Answer questions from supervisors and employees on the tobacco use policy and tobacco cessation programs/options **that may be available through the County Health Insurance Plan.**

~~G. Tobacco Cessation Programs – Employees who use tobacco products are eligible for participation in tobacco cessation programs sponsored by the County and CIGNA Health Plan. The County will reimburse expenses up to a maximum of \$200 per employee for approved tobacco cessation programs/options. Employees will only be eligible for reimbursement until January 1, 2007. After January 1, 2007, employees will be responsible for all expenses.~~

H. Disciplinary Action – Disciplinary actions may **be taken any of the forms listed in in accordance with** Article VIII, Section 8, of the Watauga County Personnel Ordinance, ~~from a resulting in a written warning to~~ **or additional disciplinary action up to and including** dismissal.

ARTICLE VI. USE OF COUNTY PROPERTY AND TIME

SECTION 1. POLICY

County time and County property - land, equipment, vehicles, buildings, supplies, etc. shall be used solely for County business purposes. Personal use of County property and time is prohibited.

Equipment, tools, materials and supplies that belong to the County shall not be removed from County property without the approval of an employee's supervisor.

SECTION 2. VEHICLES

Use of County vehicles shall be governed by the following:

- A. County vehicles, equipment and apparatus are to be used only by County employees or agents of the County, for County business, except that vehicles may be taken home when doing so serves the best interest of the County. While performing County business a County vehicle may be driven to and from lunch. All other personal use is prohibited
- B. The County Manager or his/her designee shall determine, upon the recommendation of the Department Head, whether circumstances warrant a vehicle being driven home by a County employee on a routine basis. Unless an emergency exists, employees are prohibited from stopping en-route between work site and home for personal reasons. Proper care and maintenance of the vehicle is the responsibility of the employee/Department Head. Employees shall keep vehicles clean inside and out.
- C. All use of tobacco products is prohibited in County vehicles.
- D. Employees who are assigned a County vehicle, either temporarily or permanently, are to operate that vehicle in a responsible manner and obey all State and Federal laws. Seat belt use for ~~front seat the~~ driver and all passengers are mandatory. Any accident involving a County vehicle shall be reported immediately in accordance with established procedures and North Carolina State laws.
- E. Unauthorized passengers, such as hitchhikers, family, friends or other parties, not directly related to County business, are not allowed in or to operate County vehicles.

Violation of this policy may result in disciplinary action set forth in the Watauga County Personnel Ordinance, Article VIII Separation, Disciplinary Action and Reinstatement. (See G.S. 14-247 making private use of public owned vehicle a misdemeanor. Also, refer to County Resolution Book 4, Page 43 dated April 22, 1986 - Resolution Regarding Employee Use of Vehicles Owned by the County of Watauga, North Carolina).

ARTICLE VII. TYPES OF LEAVE

SECTION 1. PAID HOLIDAYS OBSERVED

The following holidays, and other such days as the Board of Commissioners may designate, shall be observed as holidays for employees.

New Year's Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving and the Day After
Christmas

~~When New Year's Day, Independence Day or Veteran's Day falls on a Saturday or Sunday, the~~ The County will ~~adopt and~~ observe the same holiday ~~schedule~~ as designated by the State of North Carolina for each calendar year.

When Christmas Day Falls On:	The County Observes:
Sunday _____	Friday & Monday
Monday	Monday & Tuesday
Tuesday	Monday, Tuesday & Wednesday
Wednesday	Tuesday, Wednesday & Thursday
Thursday	Wednesday, Thursday & Friday
Friday _____	Thursday & Friday
Saturday	Friday & Monday

All regular employees are entitled to holiday leave, **not to exceed eight (8) hours per day**, providing the employee is on pay status either the work day before or the work day after the holiday period. Regular part-time employees shall be compensated on the basis of their average workweek. When the regular employee works more than 30 hours, full holiday benefits are due. When the regular employee works 20-30 hours, 1/2 the regular holiday benefits are due. Temporary and non-regular employees are not eligible for holiday benefits.

SECTION 2. EFFECT OF HOLIDAYS ON OTHER TYPES OF PAID LEAVE

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

SECTION 3. HOLIDAYS - WHEN WORK IS REQUIRED

Non-exempt employees, **including, sworn law enforcement officers, detention officers, Communications, Fire Marshal staff, Parks and Recreation and Sanitation personnel**, whose work schedule requires them to work on a County Observed Holiday shall be compensated holiday pay for hours actually worked on a County Observed Holiday. Holiday benefits shall not exceed eight (8) hours per observed day. Sworn law

enforcement officers, detention officers, Communications, and Parks and Recreation personnel not required to work on a County Observed Holiday shall receive up to eight (8) hours of holiday leave to take within four (4) months of accrual. Any holiday leave not taken within the four (4) month period will be lost. Upon termination of employment, an employee shall not be compensated for any banked holiday time.

Non-exempt employees, including, Animal Care and Control, Department of Social Services (Social Workers I, II and III) and Maintenance personnel whose position classification requires them to respond to a “callback” on a County Observed Holiday shall be compensated for the actual hours worked, up to a maximum of 40 hours per week. Time worked in excess of the regular 40-hour week will be given in the form of compensatory time off at a rate of one and one-half hours. Holiday benefits, not to exceed eight (8) hours per observed day, will be given in the form of compensatory time off at an hour for hour rate. Compensatory time off will only be given at a rate of one and one-half hours for actual hours worked in excess of the regular 40-hour workweek, not including the eight (8) hours per day given for each observed holiday.

SECTION 4. LEAVE POLICY - ADVERSE WEATHER CONDITIONS

An employee, who cannot travel to work, comes to work late, or leaves early due to adverse weather conditions shall apply the absence against comp time or vacation leave prior to leave-without-pay. The employee’s supervisor must approve this leave. The employee shall use their discretion to determine if it is safe to travel to and from work.

If County offices open late, close early, or close for the entire date due to adverse weather conditions, per the County Manager or his/her designee, the hours closed will be considered "adverse weather" leave. ~~A maximum of 16 cumulative hours of adverse weather leave per calendar year will be granted. Any weather-related leave time, not classified as “adverse weather” leave time in excess of sixteen (16) hours will be charged to the employee’s accrued comp or vacation leave balance.~~ If an employee does not have any accrued leave, the time will be charged as leave without pay. If an employee does not come to work at all on a day that County offices open late or close early, all eight (8) hours must be applied to comp time or vacation leave prior to leave-without-pay, regardless of how many hours the County offices were closed. If an employee is unable to work due to sickness, all eight (8) hours will be applied to sick leave. A doctor’s excuse may be requested for sick leave taken during inclement weather. If an employee is already on vacation during inclement weather when a period of “adverse weather” leave is designated, all eight (8) hours will be applied to vacation leave. “Adverse weather” leave is only granted to those employees who work for the majority of the day. If none of the staff in a given office can get to work because of the weather, notice must be given to the County Manager’s Office in advance.

If County offices are opening late and an employee is at work before the scheduled opening, no time is gained (comp or overtime) for that employee. The same applies if an employee stays past an early office closing, i.e. no employee will be paid for more than eight (8) hours per day or forty (40) hours per week due to ~~inclement~~ adverse weather leave.

The Adverse Weather Condition Leave Policy does not apply to the Sheriff’s Office, Maintenance, Emergency Services Management or Sanitation Departments’ staff or other positions that may be deemed appropriate by the County Manager or his/her designee, with the exception of Administrative positions in the identified County Departments whose functions are non-essential to the continued operation and uninterrupted service provided during adverse weather events.

SECTION 5. VACATION LEAVE

It shall be the policy of Watauga County to grant vacation leave for its employees as a reward for past service. Employees may take vacation leave only as it accumulates and at a time approved by the appropriate supervisor. An employee shall make a request two (2) weeks prior to the leave date for vacation leave exceeding two (2) days. A request one-half day prior to the leave date shall be made for vacation leave for two (2) days or less.

Employees may wish to be away from work on certain days for religious observances. Department Heads shall attempt to arrange the work schedule so that an employee can be granted vacation leave when it is requested because the day is a major religious observance for that employee. Vacation leave shall be denied only when it would create an undue hardship for the County, which cannot be prevented in any other manner.

~~Regular part-time employees whose average workweek is more than thirty (30) hours will earn full vacation leave.~~ Regular part-time employees whose average workweek is twenty (20) to thirty (30) hours shall earn vacation leave at one-half the standard rate. Vacation leave shall accrue on the basis of completed work-pay periods. Time worked for partial periods at the beginning or ending of employment shall not count toward vacation accrual. Employees on vacation leave when a holiday occurs shall not be charged with vacation leave for said holiday.

An employee who requests and is granted leave without pay status shall become ineligible to accrue vacation leave beginning the first pay period in which they are paid less than 75% of their regular work schedule.

SECTION 6. PROBATIONARY EMPLOYEES VACATION LEAVE

Employees serving a probationary period following initial appointment will earn vacation leave but **may** not be permitted to take vacation leave during the probationary period unless the denial of such leave creates unusual hardship. ~~A limited amount of vacation leave will be granted during an employee's probationary period to avoid leave without pay, until an adequate amount of paid leave time can be accrued.~~ Any vacation leave granted during this period shall have prior written approval of the Department Head and County Manager or his/her designee.

SECTION 7. MANNER OF VACATION LEAVE ACCUMULATION

A full-time, classified employee who is in pay status earns vacation leave at the following rate:

Vacation Leave Earned	Accrual Rate Per Pay Period	Length of Service
12 days a year	3.69	Less than 5 years
15 days a year	4.62	5 but less than 10 years
18 days a year	5.54	10 but less than 15 years
21 days a year	6.46	15 but less than 20 years
24 days a year	7.38	20 years or more

Members of the North Carolina Local Governmental Employees' Retirement System or the North Carolina State Employees' Retirement System may calculate "length of service" for determining vacation leave earned as the number of certified membership years in either of these retirement systems.

SECTION 8. MAXIMUM ACCUMULATED VACATION LEAVE

For the purpose of earning and accruing vacation leave, the 12-calendar month period between January 1 and December 31 is established as the leave year. Vacation leave shall accumulate up to a total of 30 days (240 hours) leave. Vacation leave in excess of 30 days (240 hours) shall accumulate only within the year during which it is earned. Any leave in excess of 30 days (240 hours) which is not taken in the year during which it is earned shall be converted to sick leave effective December 31 of each year.

SECTION 9. ACCUMULATED LEAVE AT DEATH OR SEPARATION

In case of death, the employee's estate shall be paid all compensatory time and accrued vacation leave. Payment of vacation leave shall not exceed 30 days (240 hours) maximum accumulation. Upon separation from County service, an employee with accrued vacation leave will be paid in a lump sum for the amount of unused vacation leave not to exceed 30 days (240 hours). Unused vacation leave in excess of 30 days (240 hours) will NOT be reinstated after any period of separation from employment with the County.

SECTION 10. SICK LEAVE

Sick leave with pay is a privilege granted by Watauga County. Requests for sick leave shall be submitted to the employee's supervisor prior to the leave or not later than one (1) hour after the beginning of a scheduled workday, with exceptions only for extreme medical or emergency situations. Each Department Head/Supervisor shall develop a reasonable departmental procedure and means of communication made available to their staff for notification to the appropriate supervisory personnel of unplanned absence/sick leave.

Each regular employee working an average schedule of more than thirty (30) hours per week shall earn sick leave at the rate of 3.69 per pay period. Each regular employee working an average schedule of twenty (20) to thirty (30) hours per week shall earn sick leave at the rate of 1.85 hours per pay period. Sick leave shall be earned on the basis of each fully completed work/pay period. No employee can be granted sick leave in excess of that earned. Sick leave shall be cumulative with no limit of accumulation. Time worked for partial periods at the beginning or ending of employment shall not count toward sick accrual.

Leave from work shall be charged to sick leave if the absence is due to illness, bodily injury, quarantine, required physical or dental examinations or treatment, pregnancy, childbirth, and postpartum care, or exposure to a contagious disease which continued work might jeopardize the health of others. Leave from work may be charged to sick leave for the employee's spouse, child, or parents' sickness, bodily injury, quarantine, required physical or dental examinations or treatment, pregnancy, childbirth, and postpartum care.

~~A leave of absence of up to six (6) months may be granted for an extended period of illness of more than two (2) weeks. The employee must submit a request for a leave of absence to their Department Head and the County Manager or his/her designee. If this leave of absence meets the definition for the Family Medical Leave Act of 1993 (FMLA, see Article VII, Section 14 of this Ordinance), it will be designated as such. The employee must use any accumulated leave concurrent with FMLA leave. In disability cases, a physician must indicate in writing when the period of disability actually begins and ends. An employee in the process of using accumulated sick leave will continue to be in a leave-earning status, be entitled to holidays and be eligible for merit increases. When sick leave is exhausted, The employee must use all accrued comp time prior to using accumulated sick leave, then vacation leave. An employee on leave without pay status will not be eligible for merit or holiday pay and shall not be in a leave-earning capacity. After exhausting~~

~~accumulated leave and FMLA leave, the employee is responsible for insurance premium payments to continue on the County's group insurance plans. If the employee chooses to discontinue insurance coverage, the employee will be terminated from the policy and reinstated upon returning to work, the first day of the month following their return to work, without an additional standard waiting period. The employee will be subject to the insurance pre-existing clause upon reinstatement. An employee who fails to report at the expiration of a leave of absence shall be considered dismissed and so noted in the employee's personnel file, unless an extension has been requested and approved two (2) weeks prior to leave expiration, when reasonably possible.~~

Employees claiming sick leave may be required to furnish a certificate from a physician stating the kind and nature of the illness or injury, if the employee has been incapacitated for the period of absence, and that they are again physically able to perform assigned duties. Claiming sick leave when physically fit will be cause for discharge.

An employee who requests and is granted leave without pay status shall become ineligible to accrue vacation or sick leave beginning the first pay period in which they are paid less than 75% of their regular work schedule.

SECTION 11. SICK LEAVE TRANSFER

A newly hired classified employee may transfer their accumulated sick leave balance from their previous employer who is a member of the North Carolina Local Governmental Employees' Retirement System or the North Carolina State Employees' Retirement System subject to the following conditions:

- A. The employment was within the preceding twelve (12) months.
- B. The most recent employer provides proper certification to Watauga County within the employee's first six (6) months of employment.

SECTION 12. SICK LEAVE RETIREMENT CREDIT

Accumulated, **unused** sick leave is allowed as creditable service at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System, subject to the Retirement System rules.

SECTION 13. SICK LEAVE - SEPARATED EMPLOYEES

Employees, who retire or resign and are not reinstated with Watauga County within a one (1) year period, shall lose all sick leave credits. No employee shall be paid for any accrued sick leave at termination of employment.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

SECTION 14. FUNERAL LEAVE

Leave from work may be charged to sick leave for attendance at the funeral of a member of the employee's family. Three (3) days sick leave may be allowed with any additional days being charged to comp time,

vacation leave or leave without pay for the death of the following family members: wife, husband, mother, father, guardian, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, stepfather and stepchildren.

SECTION 15. VOLUNTARY SHARED LEAVE

- A. Purpose - Watauga County acknowledges that there are sometimes circumstances brought about by serious, prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay status. It is understood that employees forced to go on leave without pay may be left without income, adding financial hardship to physical and/or emotional difficulties. The County also recognizes that some employees may wish to voluntarily donate a portion of their annual leave in order to provide assistance to a fellow County employee. The intent of this policy is to provide an opportunity for employees to assist co-workers affected by a serious medical condition which requires absence from work for an extended period of time and results in the exhaustion of all earned leave.
- B. Policy – Watauga County has implemented a Voluntary Shared Leave Program whereby employees may donate annual leave to fellow employees who have been absent from work due to a serious, prolonged medical condition and have exhausted all of their paid leave. This policy does not apply to incidental or short-term conditions. An employee on Workers’ Compensation leave is not eligible to participate in this program.

For the purpose of this policy, a prolonged medical condition is one which is likely to require the employee’s absence from work for a significant period of time, generally considered to be at least 10 work days. An exception to this time requirement may be recommended by the Department Head if the employee has had a previous random or prolonged medical condition within the last 12 months. Qualified medical conditions must meet the definition of a serious medical condition as defined by FMLA regulations. **THIS POLICY IS TO BE EFFECTIVE JULY 1, 2009.**

- C. General Guidelines – An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving or using leave under this program. Such action by an employee shall be grounds for disciplinary action. Disciplinary actions may take any of the forms listed in Article VIII, Section 8, of the Watauga County Personnel Ordinance, from a written warning to dismissal.

Under no circumstances shall an employee receive **any** form of compensation, monetary or otherwise, for donated leave. Direct solicitation of employees for Voluntary Shared Leave donations is prohibited.

Should an employee qualify for FMLA leave, such leave will run concurrently with Voluntary Shared Leave.

Voluntary Shared Leave is **not** job protected leave and in no way conveys any guarantees above and beyond those provided by FMLA legislation.

As with any paid leave, an employee who utilizes Voluntary Shared Leave will continue to accrue annual and sick leave for any pay period in which they are paid at least 75% of their regular work schedule. Any form of leave outside of Voluntary Shared Leave will be exhausted as it is earned.

Voluntary Shared Leave may not be used in such a manner that the employee receives more than 100% of his/her salary during the prolonged medical leave.

D. Eligibility Requirements

1. Recipient

In order to be a recipient of Voluntary Shared Leave, an employee must first meet the following conditions.

- a. Be a regular employee working on a full or part time basis.
- b. Apply for FMLA leave if applicable.
- c. Be experiencing a serious health condition or be required to serve as caretaker for a **immediate** family member, **as detailed in the Family and Medical Leave Policy** (i.e. spouse, child or parent) experiencing a serious health condition as defined by the Family Medical Leave Act.
- d. Have an expectation of an absence from duty which will exhaust all compensatory, annual and sick leave. All paid leave must be exhausted prior to the utilization of any Voluntary Shared Leave.

2. Donor

In order to participate as a donor of Voluntary Shared Leave, an employee must comply with the following guidelines:

- a. Employees may donate annual leave only. Sick leave is not eligible for donation.
- b. The donating employee must maintain a minimum leave balance of 40 hours after donation.
- c. **The donating employee must be an active regular employee during the pay period in which the donated leave is transferred for use, to the sick leave balance of the recipient.**
- d. Any annual leave donated will be placed into the sick leave balance of the recipient.
- e. Donation of leave will be given hour for hour, irrespective of any difference in pay between individuals.
- f. Leave must be donated in one-hour increments with a minimum donation of 4 hours.
- g. Every effort will be made to keep the names of donor employees confidential; however, due to the nature of the process, confidentiality cannot be guaranteed.

E. Applications Procedures – Employees who meet the stated eligibility criteria may complete a Voluntary Shared Leave request and submit it to their Department Head who will, upon approval, forward the request to the Human Resources Department. The request must include a physician-completed “Certification of Health Care Provider for Employee’s Serious Health Condition (Family Medical Leave Act)” or “Certification of Health Care Provider for Family Member’s Serious Health Condition (Family Medical Leave Act)” as appropriate. The completed form must also note an estimated duration of the applicable illness. A prospective recipient may submit a request for Voluntary Shared Leave prior to the exhaustion of paid leave as long as there is sufficient medical evidence available to support the need for leave beyond the employee’s available accumulated leave

balances. Copies of the Voluntary Shared Leave request form or either certification form may be obtained by contacting the Human Resources Department.

After review of the request, if determined to meet the eligibility conditions as noted in this policy, the County Manager or his/her designee can approve the request for Voluntary Shared Leave. In order to receive shared leave, the employee must sign a written authorization for the County to notify all County employees of the request for Voluntary Shared Leave. Information released will be that specifically authorized in writing by the employee and only for the purpose of requesting leave donations from County employees. Such information will include, at a minimum, the requesting employee's name, an acknowledgement of the need for shared leave, and the expected duration of the absence.

- F. Donation Process – Notice of approved Voluntary Shared Leave requests, along with an electronic copy of the leave donation form, will be distributed to regular employees via email by the Human Resources Department. Each Department Head will be responsible for distributing a written notice of the request to any regular employees within their department who do not have a County email address.

When informed of the need for Voluntary Shared Leave, any interested employee who meets the donor eligibility guidelines should forward a completed leave donation form to the Human Resources Department. Leave donation forms must be approved by the County Manager or his/her designee prior to the transfer of any leave. A maximum leave donation will be established on a case-by-case basis depending on the expected duration of the medical condition and the available leave balance of the requesting employee. Once requests totaling the maximum leave donation have been approved, no further leave donation forms will be accepted. Under no circumstances will an employee be allowed to receive more than ~~1040~~ 480 hours of Voluntary Shared Leave **related to the same qualifying medical event.**

- G. Leave Accounting Procedures - The Human Resources Department will compile a list of approved leave donations and will send a notice to **Payroll and** the requesting employee indicating the number of Voluntary Shared leave hours which have been donated. Following the order in which the donation forms were received, the applicable annual leave will be transferred from the donor's accumulated balance into the recipient's sick leave balance on an as needed basis, **through the bi-weekly payroll process.** Withdrawals from the recipient's leave account shall be charged according to normal sick leave policies and procedures.

If an employee utilizes all Voluntary Shared Leave but finds it necessary to extend the period of absence due to the same condition for which the original request was granted, he/she may make additional requests for Voluntary Shared Leave provided the maximum of 1040 hours was not exceeded with any prior requests. Any additional requests should be submitted in writing to the Human Resources Department which will then follow distribution guidelines as noted in this policy. In the event that an employee is able to return to work earlier than expected, applicable donors will be informed in a timely manner of any unused / unneeded shared leave donations. If a recipient employee separates from the County due to resignation, death, termination or retirement, participation in the shared leave program shall end immediately.

SECTION 16. FAMILY AND MEDICAL LEAVE

Watauga County shall grant up to twelve (12) weeks (or under certain circumstances twenty-six (26) weeks), paid or unpaid, of family and medical leave to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and as amended in 2008 and 2010. Eligible employees are those who have at least twelve (12) months of cumulative service with Watauga County and who ~~and~~ have worked for at least 1250 hours in the preceding twelve (12) months. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during a twelve-month period.

A. Eligible employees may take up to 12 workweeks of leave during a twelve-month period measured forward from the date an employee's first FMLA leave begins for the following reasons:

1. To care for the employee's child upon birth or upon placement for adoption or foster care provided the leave is taken within a 12-month period following the birth or placement of the child; Husbands and wives employed by Watauga County are limited to a combined total of twelve (12) weeks leave under FMLA for the birth of a child, adoption or placement of a child in foster care;
2. To care for the employee's parent, spouse or child with a serious health condition; or
3. For any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active military duty, or has been notified of an impending call to active duty status, in support of a contingency operation;

A qualifying exigency is defined as any of the following:

- a. Deployment of a service member with seven or fewer days' notice;
 - b. Military ceremonies and events, as well as support, family-assistance or information programs related to a service member's active duty or call to active duty status;
 - c. Providing urgent, immediate childcare or arranging for alternative childcare for the children of service members on or called to active duty;
 - d. Attending school or daycare meetings relating to the child of a service member on or called to active duty;
 - e. Making financial or legal arrangements related to a service member's active duty status or call to active duty; or
 - f. Post-deployment activities for a period of ninety days after the termination of the service member's active duty status.
4. When the employee is unable to work because of the employee's own serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care;
- b. Continuing treatment by a health care provider, which includes:
 - i. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:

- treatment two or more times by or under the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day or incapacity); or
 - one treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy); or
- ii. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence;
 - c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence;
 - d. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - e. Any absences to receive multiple treatment for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

If the serious health condition results from an on-the-job injury or illness, the employer shall designate that the employee's twelve (12) week entitlement under the FMLA runs concurrently with workers' compensation leave.

- B. An eligible employee who is the spouse, child, parent or next of kin of a covered service member may take up to 26 workweeks of leave during a twelve-month period, measured forward from the date an employee's first FMLA leave begins, to care for the service member in the event that he/she is recovering from a serious illness or injury sustained in the line of duty on active duty in the Armed Forces. Husbands and wives employed by Watauga County are limited to a combined total of twenty-six (26) weeks leave under FMLA for Servicemember Family Leave.

The request for family and medical leave must be made in advance and **in-person or** in writing by the employee and approved by the Department Head. The Department Head will then forward the request to the Human Resources Department for approval by the County Manager or his/her designee. The employee must provide the County at least 30 days' notice of their intent to take leave unless the FMLA qualifying condition is a sudden one. When the need for leave is unforeseeable, the employee must give notice as soon as practicable, ordinarily within two business days of when the employee learns of the need for leave. Failure to comply with notice requirements may result in delay or denial of leave.

Employees requesting leave shall be required to provide medical certification of the serious health condition; the qualifying exigency; or the serious injury or illness of a covered service member as soon as possible but not later than 15 calendar days from the date the request is made. The certification from the employee's, family member's or service member's physician shall include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it shall state that the employee is unable to perform the essential functions of their position. The County may deny leave to employees who do not provide proper medical certification. The County may require a second or third opinion (at the County's expense) and periodic re-certification of the serious health condition when FMLA is being utilized due to an employee's or family member's serious health condition. Second and third opinions and recertification are not permitted for Servicemember Family Leave or in the event of a qualifying exigency. Watauga County's Human Resources Department may contact the certifying provider to authenticate or clarify a medical certification of a serious injury or illness. In certain circumstances, the County may also contact the individual or entity named in a certification of leave for a qualifying exigency.

Employees taking leave under FMLA are entitled to receive health insurance benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, dependent health coverage premiums will be the responsibility of the employee. An employee failing to return to work, for reasons other than a continued serious health condition or reduction in force, may be required to reimburse the County for payments of the employee's health insurance premiums during the FMLA leave period.

Employees are required to exhaust accrued ~~sick leave~~, comp time, ~~sick leave~~ and vacation leave prior to taking leave without pay. An employee taking leave for the birth of a child may use sick leave for the period of actual disability, based on medical certification. The employee shall then use ~~all comp time then~~ vacation leave for the remainder of the 12-week period before using leave without pay. ~~Comp time should be exhausted prior to using accrued sick or vacation leave.~~

Employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal work schedule whenever medically necessary to care for a seriously ill family member; because the employee is seriously ill and unable to work; or due to the requirements of a qualifying exigency. If an employee is utilizing intermittent leave due to planned medical treatments, the employee must make a reasonable effort to schedule the treatments so as not to disrupt County operations. In addition, employees must notify the County any time an absence occurs for a reason for which FMLA leave was previously taken or certified. Use of intermittent leave for the birth and care of a child, or for placement for adoption or foster care, is subject to the County's approval.

The County may require an employee on FMLA to report periodically on their status, and intent to return to work. The employee must notify their supervisor immediately of the need to request an extension of the leave. An employee who fails to report at the expiration of a leave of absence shall be considered dismissed and so noted in the employee's personnel file, unless an extension has been requested and approved two (2) weeks prior to leave expiration, when reasonably possible. ~~Leave extension requests must be submitted to the Department Head and forwarded, with a recommendation on the approval/denial of the additional leave, to the County Manager for his/her final determination. Standard County practice will be to approve leave extension requests only in situations when the additional leave will promote recovery and the capability of the employee to return to their regular job duties. The general guideline for leave extensions will be no more than two additional weeks of leave, taking into consideration the specific details of each individual situation and the qualifying event necessitating the leave, before a final decision is made, however, the County Manager may, in the exercise of his/her discretion, extend the leave period further.~~ Employees returning to work from family medical leave due to their own serious health condition will be required to obtain medical certification from a health care provider stating they are able to perform the essential functions of their position prior to returning to work.

Watauga County must reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions provided they are able to perform all of the essential functions of the position. If the employee is unable to perform an essential function of their previous position or of an equivalent position because of a physical or mental condition, the employee has no right to restoration to another position under the FMLA. If the employee's position was eliminated during a reduction in force, the employee may not be afforded reinstatement provided the dismissal would have been affected had the employee not taken a leave of absence.

For more information regarding employee rights under the FMLA, employees may also refer to Appendix E, the U.S. Department of Labor's Employee Rights and Responsibilities Under the FMLA.

SECTION 17. LEAVE WITHOUT PAY

The Department Head with the approval of the County Manager or his/her designee shall make the decision to grant leave without pay. Factors to be considered are necessity, duration of leave, workload, and other factors in the best interest of the County. Leave without pay may be granted to employees who have exhausted **all** other forms of leave **while on FMLA**, do not qualify for leave under Family and Medical Leave Act of 1993 or to employees for reasons not covered by the Family Medical Leave Act.

A. Leave Without Pay Procedures

1. Request for leave without pay must be made in writing prior to the anticipated date.
2. Accumulated comp time and vacation leave must be exhausted before leave without pay may be requested.
3. Accumulated sick leave must be exhausted before leave without pay may be granted in cases of illness.

B. Employee Benefits – An employee who requests and is granted leave without pay status shall become ineligible to accrue leave beginning the first pay period in which they are paid less than 75% of their regular work schedule. An employee on leave without pay status for a reason other than Family Medical Leave or Worker's Compensation shall be responsible for the total insurance premium for any insurance programs they may wish to continue after two (2) consecutive pay periods in which they are paid less than 75% of their regular work schedule.

C. Employee Responsibility: - The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager or his/her designee. 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. If the employee decides not to return to work, the Department Head shall be notified immediately. An employee who fails to report at the expiration of a leave of absence shall be considered dismissed and so noted in the employee's personnel file, unless an extension has been requested and approved two (2) weeks prior to leave expiration, when reasonably possible.

SECTION 18. WORKERS' COMPENSATION LEAVE

All employees are eligible for Workers' Compensation coverage for any job-related injury. Any employee who is injured on the job must promptly report the injury to their immediate supervisor/Department Head and to **Human Resources ~~the Personnel Office~~**. Failure to do so may result in a claim being denied. For non-emergency injuries treatment should be sought with **FastMed Urgent Care, or the local Urgent Care Facility in Watauga County, as directed by Human Resources. ~~doctors on the County's Workers' Compensation provider list~~**. For emergencies, treatment must be provided by the Watauga Medical Center's Emergency Department ~~Room~~. **All job-related accidents involving vehicles or equipment; creating damage to County or personal property; or resulting in injury, in which the employee may have contributed to the cause, require an employee drug and alcohol screening to be performed immediately following the incident. Job-related incidents resulting in exposure to potentially infectious materials should report to the Appalachian District Health Department for initial treatment as well as any on-going care required.** An employee having an adverse reaction to a ~~smallpox~~ vaccination received as an employment condition of the County will be covered under the County's Workers' Compensation Policy.

When an employee is injured on the job as a result of a compensable accident or occupational illness and loses time from work while seeking medical attention due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury. Employees are expected to return to work unless the treating physician indicates the employee must go home for the day. A written statement must be obtained from the treating physician if the employee cannot return to work. In situations where the employee cannot return to work on the day of the injury, the employee will use **accrued** leave for normal working hours **and must provide a release note from the doctor before returning to duty.**

If the injury results in additional time away from work, the employee will be placed on worker's compensation leave and receive the worker's compensation weekly benefits after the required waiting period. The employee may ~~elect to take use comp time~~, sick or vacation leave during the required waiting period, ~~or may elect to go on worker's compensation leave with no~~ and would not be on leave without pay for the required waiting period, **unless all other accrued leave has been exhausted.** Once an employee begins drawing worker's compensation pay, leave will not be accrued and the employee will not be allowed to receive pay for **comp time**, vacation or sick leave in addition to worker's compensation payments. Insurance already provided by Watauga County to an employee will continue to be provided during the period of worker's compensation leave. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any cost of living adjustment to which the employee would have been entitled during the disability covered by worker's compensation.

Temporary employees injured on the job will be placed on leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's Compensation Act. Refer to Section 14 of this Article for FMLA requirements.

If the serious health condition results from an on-the-job injury or illness, the employer shall designate that the employee's twelve (12) week entitlement under the FMLA runs concurrently with workers' compensation leave.

SECTION 19. MILITARY LEAVE

Classified employees who are members of the National Guard or Armed Forces Reserve will be allowed fifteen (15) work-days of military training or active duty leave with full pay per calendar year. If such military duty is required beyond this fifteen (15) workday period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose, only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply.

An employee on leave without pay will be responsible for all insurance premium payments and dependent coverage. Upon return to work, the employee must re-enroll on the County's insurance coverage. Classified employees who are guardsmen and reservists have all job rights specified in the Veterans' Reemployment Rights law. Also, in accordance with the Veterans' Reemployment Rights Law, reinstated veterans will be paid at their prior salary plus any adjustments made to the Position Classification Plan.

Regular part-time employees shall receive fifteen (15) workdays of military training or active duty leave per calendar year with pay based on their average workday.

Reinstatement Following Military Service – An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- A. Applies for reinstatement within ninety days after the release from military service; and
- B. Is able to perform the duties of the former position or similar position; or
- C. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another **available** position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

SECTION 20. CIVIL LEAVE

All County employees called for jury duty or as witnesses in any civil or criminal legal proceeding will be entitled to their regular pay during such duty. When a County employee attends court as a required part of his official duties, no leave is required. Regular employees will continue to accrue benefits and leave while on civil leave.

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

SECTION 21. EDUCATIONAL LEAVE

A leave of absence at full or part pay during regular working hours may be granted to an employee upon the recommendation of the supervising Department Head, and with the approval of the County Manager or his/her designee, to permit an employee to take courses of study which will better equip him/her to perform his/her duties.

When a course of study or training program is directly related to an employee's job, the County may assume the costs of tuition, fees and instructional materials for an employee on educational leave. In addition, the County may assume such costs for an employee who is pursuing educational courses related to their job outside of County working hours. The County's assumption of costs will be made only upon the successful completion of the educational course. A passing grade of "C" or better is required for undergraduate work and a passing grade of "B" or better is required for graduate work.

A regular employee may be granted a leave of absence without pay for up to one (1) year pending approval of the County Manager or his/her designee. This leave will be used for continuation of education, or special work that will permit the County to benefit by the experience gained or work performed.

An employee must exhaust comp time and vacation leave before going on leave without pay. While exhausting vacation leave, the employee will continue to be in a leave-earning status, be eligible for any adjustments made to the position classification pay plan, be eligible to take sick leave, be entitled to holidays, and be eligible for merit increases or time-in-service pay increases. An employee will retain all unused sick leave while on leave without pay. Employees on leave without pay shall not earn leave of any kind.

When the employee's vacation leave is exhausted, the employee is responsible for insurance coverage premium payments to continue on the County's group plan. If the employee chooses to discontinue insurance coverage, the employee will be terminated from the policy and be reinstated upon returning to work, **effective the first day of the month following their return**, without an **additional** waiting period. The employee will be subject to the insurance pre-existing clause upon reinstatement.

The employee is obligated to return to duty within or at the end of the leave period. If the employee decides not to return to work, they shall immediately notify their supervisor. Upon returning to work, after being on leave without pay, the employee shall be entitled to return to a comparable position, provided funding is available. An employee who fails to report at the expiration of a leave of absence shall be considered dismissed and so noted in the employee's personnel file, unless an extension has been requested and approved two (2) weeks prior to leave expiration.

SECTION 22. BREAKS

It is the policy of Watauga County that there are no authorized breaks, other than lunch, during the workday. The Board of Commissioners recognizes that certain interruptions in the daily schedule are necessary. It is understood that absences from the workstation shall be allowed only to the extent that they do not interrupt service to the public and the smooth flow of work. Employees and Department Heads will be responsible for service and work flow in their jobs and departments respectively. Evaluation of job performance will be based in part on proper attention to these factors. **Occasional employee breaks of twenty (20) minutes or less are not required to be recorded on employee timesheets, but are not to become a standard part of the employee's regular workday.**

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

SECTION 1. TYPES OF SEPARATION

All separations of employees from positions with Watauga County will be designated as one of the following: resignation, reduction in force, disability, death, retirement or dismissal.

To the extent possible, all regular employees separating from employment with the County will be asked to participate in an exit interview with Human Resources at the Personnel Office at the time of their separation. Any County property in the employee's possession shall be returned to the County prior to separation.

SECTION 2. RESIGNATION

A minimum of two (2) weeks' notice is expected of all resigning personnel except Department Heads who shall give a notice of thirty (30) days. Such notice shall be given to the Department Head (or in case of Department Heads, to the County Manager or his/her designee, and appropriate governing body if applicable). An employee who fails to provide proper notice may forfeit payment of accrued vacation leave.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is considered to be a voluntary resignation.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

SECTION 3. REDUCTION IN FORCE

In the event that a reduction in force becomes necessary, consideration will be given to the level of each employee's work performance, the need for their service and seniority in determining those employees to be retained. Classified employees who are laid off because of a reduction in force will be given at least a thirty (30) day notice of anticipated lay-off. No regular employee shall be separated while there are temporary, emergency or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary, emergency or probationary employee or does not possess the required knowledge and skills for the specific position.

SECTION 4. REINSTATEMENT

An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within one (1) year of the date of separation with the approval of the County Manager or his/her designee. In the case of Competitive Service Employees, the State Personnel Act shall take precedence.

The salary of a regular employee who has been reinstated within one year after separation from the County is fixed as follows:

- A. When an employee is reinstated to a position in the same salary grade as the one occupied upon separation, their salary shall be at the same salary level paid at the time of separation.

- B. When an employee is reinstated to a position, their salary shall be set at a salary level that most closely corresponds to their salary upon separation. However, their salary shall not be less than that paid at the time of separation, **or the minimum salary of the position grade.**

An employee who is reinstated within one (1) year shall be credited with previously accrued sick leave.

SECTION 5. DISABILITY

An employee may be separated for disability when the employee cannot perform the required duties because of physical or mental impairment. The employee or the County may initiate action for disability separation, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and 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 services for which the employee may be suited. Watauga County will endeavor to make all reasonable accommodations for disabled individuals in accordance with the Americans with Disabilities Act.

SECTION 6. DEATH

All compensation due in accordance with Article VII, Section 9 of 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.

SECTION 7. RETIREMENT

When an employee meets the conditions set forth under the provisions of the North Carolina Local Governmental Employee's Retirement System, they may elect to retire and receive all benefits earned under the retirement plan.

SECTION 8. DISCIPLINARY ACTIONS

Disciplinary actions include written warnings, suspensions and dismissals and are taken only for cause against employees who violate standards of conduct, abuse attendance or work rules, fail to satisfactorily discharge the duties of their positions, or otherwise engage in serious job performance or personal conduct actions which are inconsistent with efficient public service or which bring discredit upon the County.

Disciplinary action shall be imposed by an employee's Department Head, with the approval of the County Manager or his/her designee, or action may be imposed **directly** by the County Manager or his/her designee. The ~~Personnel Officer~~ **Human Resources Director** shall maintain personnel records of the various types of misconduct or poor work performance that occur and a statement of the disciplinary action taken.

A. Types of Actions –

1. Written Warning – A written warning is a formal written reprimand to the employee from the employee's supervisor describing the way in which the employee's personal conduct or work performance has failed to meet prescribed standards. The written warning will specify corrective action, and it will warn the employee that repeated offenses will lead to sterner measures, including possible dismissal. The employee will be informed that a copy of the

written warning will be placed in their personnel file. Upon receiving two written warnings sterner disciplinary actions may be taken up to or including suspension.

2. Suspension – Suspension is the temporary removal of an employee from duty. Suspensions are authorized only with the concurrence of the County Manager or his/her designee. Employees placed on Non-Disciplinary or Disciplinary Suspension shall be given a written summary giving the circumstances and facts leading to the suspension. One copy of the summary shall be delivered to the employee **in-person or** by certified mail and one copy shall be filed in the employee's personnel file.

- a. Non-Disciplinary/Investigatory Suspension (General County Employees) – During a County personnel investigation, or an investigation, hearing or trial of a County employee on any criminal charge, or during the course of a civil action involving an employee, the Department Head, with the approval of the County Manager or his/her designee may suspend the employee with or without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

If the suspension is terminated with full reinstatement of the employee one of the following must occur: 1) full recovery of pay and benefits for the period of non-disciplinary/investigatory suspension or 2) reinstatement with no less than three (3) days' pay deducted from their salary based upon management's determination of the degree to which the employee was responsible for, or contributed to the reasons for suspension.

- b. Non-Disciplinary/Investigatory Suspension (Competitive Service Employees) – Investigatory suspension with pay may be used to provide time to investigate, establish facts and reach a decision concerning an employee's status in those cases where it is determined the employee shall not continue to work pending a decision. Investigatory suspension with pay may be appropriately used to also provide time to schedule and conduct the pre-dismissal conference required for competitive service employees. Also, management may elect to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension with pay shall not exceed thirty (30) calendar days. However, an agency may, in the exercise of its discretion, extend the period of investigatory suspension with pay beyond the thirty (30) day limit. The employee must be informed in writing of the extension, the length of the extension, the specific reasons for the extension and their right of appeal. If no action has been taken by management by the end of the additional thirty (30) calendar days, and no extension has been made, one of the following must occur: (1) reinstatement of the employee; (2) appropriate disciplinary action based on the results of the investigation; or (3) reinstatement of the employee with up to three (3) days deducted from **their** pay. This decision will be 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 on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

- c. Disciplinary Suspension – Suspension without pay may also be imposed as a disciplinary measure. An employee may be suspended without notice by the Department Head with concurrence of the County Manager or his/her designee for causes related to personal

misconduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee, they shall tell the employee to leave County property at once and remain away until further notice.

3. Demotion - The reassignment of a classified employee for disciplinary reasons, to a position or classification having a lower salary grade than the employee's current position or classification. Disciplinary demotions are authorized only with the concurrence of the County Manager or his/her designee for disciplinary actions based on work performance. Employees who are demoted shall be given a written summary giving the circumstances and facts leading to the demotion. One copy of the summary shall be delivered to the employee in-person or by certified mail and one copy shall be filed in the employee's personnel file.
4. Dismissal - Dismissal is the permanent removal of an employee from duty, thereby ending their employment with the County. This is the most severe disciplinary action that may be imposed by the County.
 - a. Dismissal (General County Employees) – All dismissals of General County employees will be preceded by suspension with or without pay for not less than three days pending completion of an investigation by the appointing authority or County Manager or his/her designee. If the appointing authority or County Manager or his/her designee determines that a dismissal action is appropriate, such dismissal will be effective at the end of the suspension period. Prior to dismissal, the employee must be given an opportunity to answer the charges against him/her; however, an employee may be suspended without warning for cause relating to their personal misconduct. If a dismissal is made following the opportunity to answer charges, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel file.
 - b. Dismissal (Competitive Service Employees) – All dismissals of Competitive Service Employees shall be in accordance with Article I and Article II, Personnel Policies for Local Government Employees subject to the State Personnel Act. The County Manager or his/her designee and the ~~Human Resources Personnel~~ Office shall be provided with copies of all documents pertaining to dismissal action. Employees shall also be provided with copies of Article I and Article II, Personnel Policies for Local Government Employees regarding dismissal. Prior to dismissal, the employee must be given an opportunity to answer the charges against him/her. If a dismissal is made following the opportunity to answer charges, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel file.
 - c. Dismissal (Temporary, Non-regular and Probationary Employees) – Temporary, non-regular and probationary employees serve at the pleasure of the County; as such they may be dismissed by the County without cause. Upon recommendation of the Department Head and with the approval of the County Manager or his/her designee, they may be dismissed at any time without further notice and without any hearing or right of appeal.

- B. Disciplinary Actions Based on Personal Misconduct – Disciplinary actions based on personal misconduct shall be imposed only after all evidence is weighed, and the disciplining official shall, in deciding the nature of the action to be taken, consider among other things, the following factors: the seriousness of the misconduct involved; the effect of the misconduct involved; the employee's work

record; the employee's disciplinary record, including but not limited to, the previous occurrence of the same or similar infractions; the employee's knowledge of the rules; and the reasons behind the employee's misconduct.

Some examples of the types of personal misconduct that are cause for disciplinary action are stated below, but these in no way are the only potential misconduct issues that can result in dismissal and does not limit the County in taking necessary action. The examples include but are not limited to:

1. Conduct for which no reasonable person should expect to receive prior warning; or
2. Job-related conduct which constitutes violation of state or federal law; or
3. Improper or unauthorized use or abuse of paid leave.
4. Willful or negligent violation of this manual, policies and procedures, department operating rules or related directives, or other known or written work rules; or
5. Conduct that discredits the employee or County, or willful misrepresentation of the County.
6. Conviction of a felony or misdemeanor, or the entry of a plea of "no contest" to either, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
7. Violation or neglect of safety rules, or contributing to hazardous working conditions.
8. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex (including sexual harassment), age, religious beliefs, political affiliations or handicap (See Article IV, Section 1).
9. Fraud in securing employment.
10. Misuse of County funds or falsification of County records (including timesheets) for personal profit or to grant special privileges, **or unpaid County taxes after remediation options provided.**
11. Violation of the Alcohol and Controlled Substance Abuse Policy, except for medication prescribed to an employee taken within the limits set by a physician so long as medically necessary.
12. Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
13. Careless, negligent or improper use of County equipment or property, including removal or private use, or use involving damage or unreasonable risk of damage to property.
14. Unauthorized release of confidential information or official records.
15. Acceptance of gifts in exchange for "favors" or "influence."
16. Violation of political activity restrictions.
17. Discourteous or insubordinate treatment of the public or other County employees or officials.

C. Disciplinary Actions Based on Work Performance – Cause for disciplinary action based on work performance includes, but is not limited to:

1. Inefficiency, incompetence, negligence or insubordination in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, courteous and reasonable manner.

2. Refusal or inability to improve job performance in accordance with written or verbal direction after a specified period of time.
3. Refusal to obey reasonable instructions from supervisor and/or Department Head.
4. Unexcused absence without leave; habitual improper use of leave privileges; failure to maintain regular hours or excessive absenteeism.
5. Discourteous or insubordinate treatment of the public or other employees and County officials.
6. Performance of personal work or other outside activities on County time.

D. Disciplinary Procedures – A regular employee whose work performance or personal conduct is unsatisfactory shall be given a written warning by their supervisor. If the unsatisfactory performance continues over a specified period of time, the employee shall be given a second written warning by their supervisor. The employee must be given a statement noting the specific cause for dissatisfaction, what he must do to make his work performance or personal conduct satisfactory, the time limits for such improvements, and the consequences of continued failure to meet work performance or personal conduct requirements. The employee will also be informed that a written statement summarizing the action shall be placed in their personnel file by their immediate supervisor. If the employee fails to meet the work performance or personal conduct requirements within the specified time period, the Department Head, with the approval of the County Manager or his/her designee, may suspend the employee. Continued failure to meet work performance or personal conduct standards may result in the employee being demoted or dismissed by the Department Head, with the approval of the County Manager or his/her designee. Prior to suspension, demotion or dismissal, the employee must be given an opportunity to answer the charges against him/her; however, an employee may be suspended without warning for cause relating to their personal misconduct.

At the time an employee is suspended, demoted or dismissed, he/she shall be given a written statement of the charges or reasons for the action and told that they may appeal the disciplinary action taken against him/her. An employee may be suspended pending an appeal hearing.

E. Disciplinary Actions Toward Department Heads – Disciplinary actions that may result in demotion or dismissal involving Department Heads will be initiated by the County Manager or his/her designee and acted upon by the Board of County Commissioners. Prior to the Board's action, the Department Head will be provided the opportunity to present their case and answer the charges against them. The Board of County Commissioners' decision will be final.

F. Disciplinary Actions Toward Temporary, Non-Regular and Probationary Employees – Temporary, non-regular and probationary employees serve at the pleasure of the County. If such an employee fails to perform satisfactorily, upon recommendation of the Department Head and approval of the County Manager or his/her designee, they shall be demoted or dismissed at any time without further notice and without any hearing or right of appeal.

ARTICLE IX. GRIEVANCE PROCEDURE

SECTION 1. POLICY

It is the County's policy to encourage employees to freely discuss problems with their supervisors, Department Heads, or others in positions of authority. A grievance is defined as a claim or complaint based upon an event or condition allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Supervisors and employees are encouraged to resolve differences and to seek and provide clarification of policies and procedures before initiating the grievance process.

No attorney or other legal representatives will be allowed to participate in the grievance procedure.

A grievance may involve the following issues:

- A. Alleged safety or health hazards;
- B. Unsatisfactory physical facilities, surroundings, materials or equipment;
- C. Unfair or discriminatory supervisory or disciplinary practices;
- D. Unjust treatment by fellow workers;
- E. Any other inequity relating to conditions of employment.

SECTION 2. COVERAGE

All employees who allege unlawful harassment, violence in the workplace or discrimination based on race, color, religion, age, sex, **gender**, national origin, political affiliation or non-disqualifying condition may file a grievance.

In situations involving separation, disciplinary action, and reinstatement, all regular employees of the County shall have the right to present a grievance in accordance with these procedures except as stated in Article II, Section 2, and Subsection C of this ordinance.

SECTION 3. PROCEDURE

Every eligible employee shall have the right to present a grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty or reprisal. Employees shall be allowed up to one (1) hour off from their regular duties to prepare a grievance.

- A. An employee must file a grievance in writing with their immediate supervisor within ten (10) working days of the date of the incident giving rise to the grievance. The immediate supervisor shall meet with the employee within five (5) working days of receipt of the grievance and attempt to resolve the grievance. The immediate supervisor shall issue a written decision on the grievance no later than five (5) working days following the meeting.

If the grievance concerns an appeal of a dismissal, it shall be filed directly with the County Manager or his/her designee who shall request the Personnel Advisory Committee hear the grievance. **If the dismissed employee requests to bypass the Personnel Advisory Committee and have the grievance heard directly by the County Manager, the decision by the County Manger or his designee is final and will end the grievance procedure.**

- B. If the employee is dissatisfied with the decision at Step A, the employee may file the grievance in writing with the Department Head, within five (5) working days of receipt of the immediate supervisor's decision. The Department Head shall meet with the employee within five (5) working days of receipt of the grievance, shall review the decision at Step A, and shall make an independent determination on the merits of the grievance. The Department Head shall issue a written decision no later than five working days following the meeting with the employee.
- C. If the employee is dissatisfied with the decision at Step B, within five (5) working days of receipt of the Department Head's decision, the employee may request a decision directly from the County Manager or his/her designee, or request a hearing before the Personnel Advisory Committee. The Personnel Advisory Committee shall follow the procedures set forth in Section 4 of this article and recommend a decision to the County Manager or his/her designee. The County Manager or his/her designee shall render a written decision within ten (10) working days of receiving the Personnel Advisory Committee's recommendation or after the employee's request for a decision directly from the County Manger or his designee. The decision by the County Manger or his designee is final and will end the grievance procedure.

SECTION 4. PERSONNEL ADVISORY COMMITTEE

A Personnel Advisory Committee will be established by the Board of County Commissioners, and composed of one County Commissioner, one Department Head and three rank and file employees designated by the Board of County Commissioners, with authority to hear employee grievances and make a recommendation to the appointing authority. **Each Personnel Advisory Committee seat shall also have an alternate member appointed in the case that the primary Committee Member is unable to participate in the grievance process, or has a close working or personal relationship with the grievant, or any type of conflict of interest that would prevent the committee member from being impartial.** An employee or the appointing authority may request a hearing, which shall be transcribed or recorded. The hearing shall be conducted within fifteen (15) working days from the date the hearing is requested, during regular working hours of the County. The Personnel Advisory Committee, the grievant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. **The Human Resources Director or his/her designee** ~~chairman of the committee~~ shall conduct the hearing. The Personnel Advisory Committee shall submit its recommendation to the County Manager or his/her designee or other appointing authority within fifteen (15) working days of the hearing.

SECTION 5. FINAL DECISION ON THE GRIEVANCE

- A. Within ten (10) working days of receipt of the recommendation of the Personnel Advisory Committee, the County Manager or his/her designee, or other appointing authority will inform the employee and Department Head, in writing, of the final decision.
- B. Competitive Service Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings no later than thirty (30) working days after receipt of notice of the appointing authority's decision, provided the employee has obtained permanent status in accordance with the rules and regulations of the State Personnel Commission. The decisions of the State Personnel Commission shall be binding in appeals of local employees subject to the State Personnel Act 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 State Personnel Commission shall be advisory to the local appointing authority.

SECTION 6. MAINTENANCE OF RECORDS

The **Human Resources Director** ~~Personnel Officer~~ will retain all documentation, records and reports in the employee's personnel file. These records will be subject to review by the grievant, the employee's Department Head, the County Manager or his/her designee or other appointing authority, and the County Commissioners.

SECTION 7. OTHER REMEDIES PRESERVED

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

ARTICLE X. EMPLOYEE BENEFITS

SECTION 1. INSURANCE BENEFITS

The County will pay full premium costs for group term life, vision exam, dental and medical health insurance programs for classified, full-time regular employees.

The County will pay one-half of the premium cost for group term life, vision exam, dental and medical health insurance programs for classified, part-time regular employees who choose to participate. Regular part-time (20-30 hours/week) employees must pay the remaining one-half of the premium cost as a payroll deduction.

Families (dependents and spouses) of the above eligible County employees are offered insurance coverage at group rates at the expense of the employee, upon request and in accordance with provisions of the insurance contract. The premium costs must be paid as a payroll deduction and are deducted one month in advance of insurance effective date.

Retiree Insurance Benefits

A regular County employee's individual medical, dental and/or vision exam benefits may be extended up to Medicare eligibility age for employees who retire under the provisions of the Local Governmental Employees' Retirement System, either through length of service or disability.

If the retiring employee chooses the coverage, the selection must be made in writing before the employee's actual retirement date. Should additional post-retirement medical insurance coverage be obtained, the County's plan will be the second payee.

Payments are due the first (1st) of each month and must be received by the Finance Department no later than the fifteenth (15th) of each month. Failure to make payment by the fifteenth (15) of the month may result in cancellation of medical, dental, and/or vision benefits.

Category I

For employees retiring with a minimum of ten (10) years creditable service in the Local Governmental Employees' Retirement System or the North Carolina Teachers' and State Employees' Retirement System, of which the last five (5) years must be served with Watauga County; the employee may elect to maintain coverage and be responsible for the payment of the premium to the County, or in accordance with provisions of the current insurance contractor. The premium amount for all categories will be the same rate as the County's monthly charge per employee for the group health care plan.

Category II

For Watauga County Employees retiring with a minimum of twenty (20) years creditable service in the Local Governmental Employees' Retirement System or the North Carolina Teachers' and State Employees' Retirement System, of which the last ten (10) years must be served with Watauga County; the employee may elect to maintain coverage and be

responsible for the payment of the premium less the County supplemental amount to maintain their medical insurance coverage. The County’s monthly supplement amount will be equal to 50% of the per employee premium monthly charge. Dental and vision exam benefits may be retained upon payment of the full premium by the retired employee.

Category III

For employees retiring with more than twenty (20) years creditable service in the Local Governmental Employees’ Retirement System or the North Carolina Teachers’ and State Employees’ Retirement System, of which the last (10) years must be served with Watauga County; the employee may elect to maintain coverage and be responsible for the payment less the County supplement amount to maintain their medical insurance coverage. For each added year of service after twenty (20), the County will pay an additional 2.5% of the per employee premium monthly charge up to a maximum payment of 75% of the total monthly premium for 30 years or more of service. **(See table below)** Dental and vision exam benefits may be retained upon payment of the full premium by the retired employee.

Eligible creditable service in the Local Governmental Employees’ Retirement System or the North Carolina Teachers’ and State Employees’ Retirement System does not include periods of service breaks or withdrawn service time.

The retired employee is expected to enroll for Medicare when eligibility by age or length of disability is obtained.

Total Creditable Service Requirement	Watauga County Service Requirement	Amount of County Supplemental Payment
10 but less than 20 years	Not less than 5 years	100% Retiree Responsibility
20 years or more	Not less than 10 years	50% Supplement
21 years	Not less than 10 years	52.5% Supplement
22 years	Not less than 10 years	55% Supplement
23 years	Not less than 10 years	57.5% Supplement
24 years	Not less than 10 years	60% Supplement
25 years	Not less than 10 years	62.5% Supplement
26 years	Not less than 10 years	65% Supplement
27 years	Not less than 10 years	67.5% Supplement
28 years	Not less than 10 years	70% Supplement
29 years	Not less than 10 years	72.5% Supplement
30 years or more	Not less than 10 years	75% Supplement

Effective 7/1/2024

SECTION 2. RETIREMENT BENEFITS

The County will make retirement benefits available to its regular employees. Such benefits will be made available through the North Carolina Local Governmental Employee's Retirement System. All regular employees shall be required to join and contribute the required amount (set by the Retirement System) to the Retirement System as a condition of employment.

SECTION 3. WORKERS' COMPENSATION BENEFITS

County employees are fully covered by the North Carolina Workers' Compensation Act. Workers' compensation provides coverage to all employees for medical expenses and lost time from work due to work related injuries or illnesses. Any employee who is injured on the job must promptly report this injury to the immediate supervisor, Department Head and **Human Resources** ~~the Personnel Office~~. Failure to do so may result in the appropriate Worker's Compensation report not being filed in accordance with the law, which may jeopardize an employee's right to benefits in connection with the injury or illness. (See Article VII, Section 16)

SECTION 4. LONGEVITY COMPENSATION

Longevity pay is given to regular, full-time and part-time benefited employees with one month or more employment with Watauga County. Years of service are computed as of November 30th of the current year and based on total ~~continuous~~ creditable service under the North Carolina Local Government Employees' Retirement System and/or Teacher's and State Employees Retirement System. Eligible Service time ~~will include continuous years of total creditable~~ service within the NC Retirement Systems, ~~including all legacy service and completed service purchases, only excluding withdrawn service time and breaks in service from the NC Retirement System. with less than one year break in service.~~ Payroll will process longevity payments based on confirmed total creditable service calculated from pension start dates and include additional service purchased only after the first point of notification by the employee. Longevity compensation is not a guaranteed benefit and will only be made contingent upon approval by the Watauga County Commissioners. Payments will be made as follows:

Length of Service	Amount of Payment
1 month but less than 5 years	\$100.00
5 but less than 10 years	1.0% of Annual Salary
10 but less than 15 years	1.5% of Annual Salary
15 but less than 20 years	2.0% of Annual Salary
20 but less than 25 years	2.5% of Annual Salary
25 years or more	3.0% of Annual Salary

Effective 07/01/2024

SECTION 5. SUPPLEMENTAL RETIREMENT INCOME PLANS AVAILABLE TO LAW ENFORCEMENT OFFICERS

A. Supplemental Retirement Income Plan

All law enforcement officers automatically become a member of the Supplemental Retirement Income Plan (401K), on the date of hire, provided the officer has the full power of arrest with the primary duty of enforcing criminal laws.

B. Special Separation Allowance

The County provides for a special separation allowance for law enforcement officers, as prescribed by G.S. 128-21 (11b) and 143-166.42 and subject to the following conditions:

1. The officer shall have completed 30 or more years of creditable service, or have attained 55 years of age and complete five or more years of creditable service; and
2. Not have attained 62 years of age;
3. Have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by G.S. 143-166.41(a)(3) and 143-166.41(b); and
4. The law enforcement officer, after separation from employment with the County, notifies the County of any new employment, including the nature and extent of the employment, or any other change of employment status within five (5) days of the new employment or employment change.

The County shall cease payment of special separation allowance benefits to any retired law enforcement officer receiving benefits upon any of the following:

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

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

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

SECTION 6. OTHER FLEXIBLE BENEFITS

Additional deductions and benefits may be allowed at the option of the employer. Such deductions and benefits may include, but are not limited to: various supplemental medical insurance policies, term life insurance, retirement death benefit, short and long-term disability, local government credit union, direct deposit, payroll savings, deferred compensation plans, longevity compensation, and the Employee Assistance Program.

ARTICLE XI. PERSONNEL RECORDS AND REPORTS

SECTION 1. PERSONNEL RECORDS MAINTENANCE

The ~~Human Resources Office Personnel-office~~ will maintain such personnel records as are necessary for the proper administration of the personnel system. Only information that is relevant for personnel administration shall be maintained in County personnel records.

SECTION 2. INFORMATION OPEN TO THE PUBLIC

The following information on each County employee is public information:

- A. Name;
- B. Age;
- C. Date of original employment or appointment to County 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 3. ACCESS TO PERSONNEL RECORDS

As required by G.S. 153A-98, any person may have access to the information listed in Section Two (2) 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. Upon request, records of disclosure shall be made available to the employee to whom it pertains.

SECTION 4. CONFIDENTIAL INFORMATION

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

- A. The employee or their duly authorized agent may examine all portions of their 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 another employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the County Manager or his/her designee 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.

SECTION 5. RECORDS OF FORMER EMPLOYEES

The provisions for access to records apply to former employees as they apply to present employees. It is the County's policy to give only name, salary and dates of employment for reference checks.

SECTION 6. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

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

SECTION 7. PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSONS

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 an amount not to exceed five (5) hundred dollars (\$500.00).

SECTION 8. 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 (\$500.00).

SECTION 9. 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 shall be fined not less than ten dollars (\$10.00), nor more than five hundred dollars (\$500.00) as provided in G.S. 132-3.

APPENDIX A: WATAUGA COUNTY POSITION CLASSIFICATION PAY PLAN

(Include copy of most recent approved version of the Position Classification Pay Plan on record with any official copy of the Watauga County Personnel Ordinance requested)

APPENDIX B: OBSERVED BEHAVIOR - REASONABLE SUSPICION

Employee:

Name: _____

Observation:

Date: _____ Time: _____ Location: _____

1. PRESENCE OF CONTROLLED SUBSTANCES OR CONTROLLED SUBSTANCE PARAPHERNALIA
(Specify): _____

- APPEARANCE:**
- | | | |
|---|--|---|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Flushed | <input type="checkbox"/> Puncture Marks |
| <input type="checkbox"/> Disheveled | <input type="checkbox"/> Bloodshot Eyes | <input type="checkbox"/> Tremors |
| <input type="checkbox"/> Profuse Sweating | <input type="checkbox"/> Runny Nose/Sores | <input type="checkbox"/> Dry Mouth Symptoms |
| <input type="checkbox"/> Pupils Dilated/Constricted | <input type="checkbox"/> Inappropriate Wearing of Sunglasses | |
| <input type="checkbox"/> Other: _____ | | |

3. BEHAVIOR:

- Speech:
- | | | | |
|---------------------------------------|-------------------------------------|-------------------------------------|---------------------------------|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Incoherent | <input type="checkbox"/> Slurred | <input type="checkbox"/> Silent |
| <input type="checkbox"/> Confused | <input type="checkbox"/> Slowed | <input type="checkbox"/> Whispering | |
| <input type="checkbox"/> Other: _____ | | | |

- Awareness:
- | | | | |
|---|-----------------------------------|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Confused | <input type="checkbox"/> Mood Swings | <input type="checkbox"/> Euphoria |
| <input type="checkbox"/> Lethargic | <input type="checkbox"/> Paranoid | <input type="checkbox"/> Disoriented | |
| <input type="checkbox"/> Lack of Coordination | | | |
| <input type="checkbox"/> Other: _____ | | | |

4. MOTOR SKILLS:

- Balance:
- | | | | |
|---------------------------------------|----------------------------------|----------------------------------|-------------------------------------|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Swaying | <input type="checkbox"/> Falling | <input type="checkbox"/> Staggering |
| <input type="checkbox"/> Other: _____ | | | |

- Walking & Turning:
- | | | |
|---------------------------------------|----------------------------------|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Swaying | <input type="checkbox"/> Arms Raised for Balance |
| <input type="checkbox"/> Stumbling | <input type="checkbox"/> Falling | <input type="checkbox"/> Reaching for Support |
| <input type="checkbox"/> Other: _____ | | |

OTHER OBSERVED ACTIONS or BEHAVIOR (Specify):

Witnessed By:

_____ am/pm
(Signature) (Title) (Date) (Time)

_____ am/pm
(Signature) (Title) (Date) (Time)

This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. - 49 CFR 391.99(d)

APPENDIX C: AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

New River Behavioral Healthcare

This form implements the requirements for client authorization to use and disclose health information protected by the federal health privacy law (45 C.F.R. parts 160, 164), the federal drug and alcohol confidentiality law (42CFR, part 2) and state confidentiality law governing mental health, developmental disabilities, and substance abuse services (GS 122C)

Client Name: _____ Client ID: _____ Date of Birth: _____

I hereby authorize: Watauga County

To Disclose and/or Share Protected Health Information with _____

The following protected information: _____
(Provide a specific and meaningful description of the information to be used or disclosed)

The Purpose of & Disclosure: _____

REDISCLASURE

Once information is disclosed pursuant to this signed authorization, I understand that the federal health privacy law (45 C.F.R. Part 164) protecting health information may not apply to the recipient of the information and, therefore, may not prohibit the recipient from redisclosing it. Other laws, however, may prohibit redisclosure. When this agency discloses mental health and developmental disabilities information protected by state law (G.S. 122C) or substance abuse treatment information protected by federal law (42 C.F.R. Part 2), it must inform the recipient of the information that redisclosure is prohibited except as permitted or required by these two laws. New River Behavioral HealthCare's Notice of Privacy Practices describes the circumstances when disclosure is permitted or required by these laws.

EXPIRATION AND REVOCATION

I understand that, with certain exceptions, I have the right to revoke this authorization anytime. [If I want to revoke this authorization, I must do so in writing.] The procedure for how I may revoke this authorization, as well as the exceptions to my right to revoke, are explained in New River Behavioral HealthCare's Notice of Privacy Practices, a copy has been provided to me.

If not revoked earlier, this authorization expires automatically upon _____ or one year from the date it is signed, which ever is earlier.

NOTICE OF VOLUNTARINESS

I understand that I may refuse to sign this authorization form. If I choose not to sign this form, I understand that New River Behavioral HealthCare cannot deny or refuse to provide treatment, payment enrollment in a health plan, or eligibility for benefits due to my refusal to sign. A readable photocopy or fax of this authorization shall have the same force and effect as this original.

SIGNATURES

Signature of Client or Legally Responsible Person: _____ Date: _____

Specify Relationship to Consumer and Print Name in Full: _____

Additional Signature of Child or Parent, if needed: _____

Witness (optional): _____ Date: _____

Copy given to Consumer Consumer declined copy

New River Behavioral Healthcare reserves the right to revise, amend, supplement, and/or rescind this form, or portion thereof as it deems appropriate, in its sole and absolute discretion.

APPENDIX D: WATAUGA COUNTY REINSTATEMENT AGREEMENT

I acknowledge my history as a substance abuser. I recognize my obligation to meet the requirements of the County of Watauga to maintain eligibility for employment. Therefore, I agree to abstain from further substance abuse. Further, I agree, when requested by County officials to submit to random drug tests for a period of at least five years from: _____ the date of my reinstatement

I understand that refusal, failure to cooperate with the specimen collection, or a positive finding on a test shall be cause for immediate discharge from employment.

I understand and agree to the above terms and conditions of reinstatement and continued employment.

Employee: _____
(Please print)

~~Social Security Number: _____~~

Employee Signature: _____

Date: _____

Return original to **Human Resources Personnel Office**

APPENDIX E: EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER FMLA

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or

~~on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.~~

Substitution of Paid Leave for Unpaid Leave

~~Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.~~

Employee Responsibilities

~~Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.~~

~~Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.~~

Employer Responsibilities

~~Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.~~

~~Covered employers must inform employees if leave will be designated as FMLA protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA protected, the employer must notify the employee.~~

Unlawful Acts by Employers

~~FMLA makes it unlawful for any employer to:~~

- ~~• Interfere with, restrain, or deny the exercise of any right provided under FMLA;~~
- ~~• Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.~~

Enforcement

~~An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.~~

~~FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.~~

~~**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**~~

ADOPTED this the _____ day of October, 2024.

BOARD OF COMMISSIONERS FOR THE COUNTY OF WATAUGA

by: _____
Larry Turnbow, Chairman

ATTEST:

Anita J. Fogle, Clerk to the Board

[SEAL]