

# CASWELL COUNTY LOCAL GOVERNMENT



PERSONNEL POLICY  
AMENDED  
JANUARY 1, 2024



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### INTRODUCTION

Thank you very much for choosing to become an employee of Caswell County and for choosing to provide and be of service to our citizens. It is for our citizens that your position exists and it is to our citizens that we are all held accountable. Almost everything about your employment with the County is public record because of the relationship established between public funding and public service.

This Personnel Manual provides officials and employees of Caswell County with the guidelines, conditions and benefits of employment. None of the benefits or policies set forth in this policy are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the County. The contents of this Personnel Manual are presented as a matter of information only.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The County explicitly reserves the right to modify any of the provisions of this policy at any time and without any notice to employees. Notwithstanding any of the provisions within this policy, employment may be terminated at any time, either by the employee or by the County, with or without cause and with or without advance notice.

This Personnel Manual replaces and supersedes all previously issued manuals, policies, memoranda and directives.



## INTRODUCTION

**1.0 Purpose** This policy manual establishes a personnel system, which will recruit, select, develop and maintain an effective and responsible work force for Caswell County. The policy is established under the authority of North Carolina General Statute 153A-94 and applicable as described in 126-9(a)

**1.1 Coverage** This policy shall cover all employees except as specifically Exempted. Members of the board of county commissioners and any other task force, advisory board or commission, are Exempted from these policies unless specifically stated. Caswell County employees who may serve on boards or commissions shall be covered by these policies while serving in that capacity.

Employees of Caswell County who are subject to the State Human Resources Act (North Carolina General Statute 126) shall also be subject to the following provisions of the PERSONNEL MANUAL FOR CASWELL COUNTY:

- Article 1 Organization – Section 1.0 – 1.3
- Article 2 Recruitment and Employment – Sections 2.0, 2.2, 2.3, 2.5 – 2.9, 2.11
- Article 3 Employment Standards – Sections 3.1 - 3.4
- Article 4 Conditions of Employment
- Article 5 Hours of Work and Overtime
- Article 6 Separation and Disciplinary Action – Sections 6.0 – 6.10, 6.12 – 6.16
- Article 8 Employee Benefits
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Article 10	Position Classification and Pay Plan – Sections 10.5 -10.7.4, 10.10 – 10.14
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In all other personnel matters, they are subject to the provisions of the Personnel Policies for Local Government Employment Subject to the State Human Resources Act.

**1.2 Definitions**     **Adverse Action** - A demotion, dismissal, reduction in pay, layoff, suspension, or an involuntary transfer.

**Allocated Position** - An allocated position is authorized as a regular position by the County Commissioners and are assigned a specific job title, salary grade, salary range, duties, and minimum qualifications. All allocated positions are subject to budget review and approval each year by the County Commissioners.

**Appointing Authority** - Employee or board who is authorized to hire, discipline and dismiss employees under their jurisdiction. Appointment authorities are:

<b><u>Appointing Authority</u></b>	<b><u>Position</u></b>
Board of County Commissioners	County Attorney
	County Manger
	Clerk to the Board
	Tax Assessor, Collector and Director
County Manager*	Department Heads
	County Employees
Board of Health	Health Director
Health Director	Health Dept. Employees
Board of Social Services	Social Services Director



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Register of Deeds	
Sheriff	Sheriff's Office Employees
Register of Deeds	Register of Deeds Employees
Board of Elections	Elections Director
Elections Director	Elections Employees

*\*Members of the Board of Commissioners may sit in on Department Head interviews. The County Manager will discuss recommendations with Board of Commissioners before making an appointment.*

**Career Status Employee** – An employee who is in a regular position and has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5(a)(2) in a position subject to the State Human Resources Act for the immediate 12 preceding months.

**Demotion** – Transfer to a position in a lower pay grade having a lesser level of skills and/or responsibility.

**Designee** – An employee who has been designated to make decisions or conduct business on behalf of another employee.

**Exempt Employee** – An employee who is not subject to the overtime provisions of the Fair Labor Standards Act.

**Full-time Employee** – An employee, either regular, trainee, probationary or temporary, who is regularly scheduled to work 30 or more work hours per week.

**General Employee** – An employee in any County department or agency reporting to the County Manager.

**Grievance** – A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy.



**Grievance (State Human Resources Act)** - A grievance or complaint must be filed within 15 calendar days of the alleged event or action that is the basis of the grievance. Unlawful discrimination, harassment or retaliation complaints must be filed under the Equal Employment Opportunity (EEO) Informal Inquiry process before proceeding to the formal internal grievance process. All other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee's chain of command or other appropriate personnel or agency that has jurisdiction regarding the alleged event or action that is the basis of the grievance prior to filing a formal grievance with the exception of disciplinary action grievances. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall proceed directly to the formal internal grievance process.

**Immediate Family** – This shall include the employee's spouse, children, mother, father, sister, brother, grandparent, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named. Immediate family is further defined in the policies, which involve the immediate family.

**Non-Exempt Employee** – An employee subject to the salary and overtime provisions of the Fair Labor Standards Act.

**Part-Time Employee** - A person assigned to a position whose work hours are less than 1,000 hours during any 12-month period. A part-time employee is not eligible for employee benefits except to be paid for actual hours worked.

**Pay Status** - When an employee is working or is on paid leave (comp time, flex time, vacation, holiday, administrative or sick leave).

**Probationary Employee** - A person appointed to an allocated position who has not yet successfully completed the designated probationary period. **A probationary employee may be dismissed, demoted or suspended without the right to appeal.**

**Probationary Period** -The initial six (6) months (12 months for Sworn Law Enforcement Officers) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional three (3) months but



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shall not exceed nine (9) months (15 months for Sworn Law Enforcement Officers).

**Probationary Period (State Human Resources Act)** - The duration of a probationary appointment shall be nine (9) months of either full-time or part-time employment from the initial date of employment. Periods of extended leave of absence with or without pay do not suspend or increase the duration of the probationary period beyond 9 months.

**Promotion** – Transfer to a position in a higher pay grade and having a higher level of skills and/or responsibility.

**Regular Employee** - A person who is appointed to an allocated position and has successfully completed the probationary period. Regular employees may be appointed to full-time or part-time allocated positions.

**Regular Full-Time Employee** - A person appointed to a full-time allocated position, for which an average workweek equals 40 or more hours. Regular full-time employees are eligible for all employee benefits.

**Regular Part-Time Employee** - A person appointed to a part-time allocated position and normally works at least 20 hours but less than 40 hours per workweek. A regular part-time employee is eligible for pro-rated benefits based on the number of hours normally authorized to work.

**Retirement System Eligibility** – An employee working in a position requiring 1,000 or more hours during any 12-month period of time. An employee in a designated Temporary Position shall not be eligible for retirement system membership.

**State Human Resources Act** – North Carolina General Statute 126 which provides administrative directive for the administration for employees of the Health Department, the Department of Social Services and employees of Emergency Management whose position receives federal grant-in-aid funding.

**Temporary Employee** - A person hired to perform additional or extra help. Many works on a seasonal or short-term basis. Temporary employees are paid on an hourly basis only for hours actually worked. They are not eligible for benefits except those mandated by State and Federal law or regulation. The temporary employee or the County can, at any time or for any reason, terminate the



employment relationship. The Temporary Period of Employment shall not exceed 12 months.

**Trainee** - An employee status when an applicant is hired (or employee promoted) who does not meet the established minimum requirements for the position. An employee shall not be designated as Trainee if they possess the acceptable minimum training and experience for the position. During the duration of a trainee appointment, the employee is on probationary status. A trainee must be paid at a rate below the minimum of the regular class as approved by the Department Head and County Manager.

### **1.3 Merit Principle**

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

### **1.4 Responsibility of the Board of County Commissioners**

The Board of County Commissioners shall establish and amend personnel policies and rules and shall make and confirm appointments when so specified by law.

### **1.5 Responsibility of the County Manager**

The County Manager shall be responsible to the County Commissioners for the administration and direction of the personnel program. The County Manager, or designee, shall make appointments, dismissals, and suspensions in accordance with the policies and procedures spelled out in later sections of this policy manual. Appointment, dismissal, and suspension policies shall apply to all employees, except for those who are elected by the people or whose appointment is otherwise provided by statutory authority. The County Manager shall be responsible for interpreting policies when



necessary and recommending policy changes and new policies to the County Commissioners. The County Manager shall be responsible for determining conditions of employment.

### **1.6 Responsibility of the Human Resources Director**

The responsibilities of the Human Resources Director, as delegated by the County Manager, shall be to ensure the establishment, implementation and management of a modern personnel system reflecting the Equal Employment Opportunity and Non-discriminatory vision and values of Caswell County. In coordination and consultation with Department Heads, or other outside agencies as needed, those responsibilities include, but shall not be limited to, the following:

- A. Recommending rules and revisions to the personnel system to the County Manager for consideration;
- B. Recommending changes as necessary to maintain an up-to-date and accurate position classification plan;
- C. Recommending necessary revisions to the pay plan;
- D. Recommending which employees shall be subject to the overtime provisions of FLSA;
- E. Maintaining the official personnel files and other appropriate employee information;
- F. Establishing and maintaining a list of authorized positions at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- G. Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;





- H. Developing and coordinating training and educational programs for County employees;
- I. Periodically investigating the operation and effect of the personnel provisions of this Policy; and
- J. Performing such other duties as may be assigned by the County Manager not inconsistent with this Policy.

### **1.7 Employment at Will**

The employment relationship between the County and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer or representative of the County has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies. Any exception to this policy of at-will employment must be expressly authorized in writing, approved by the Board of County Commissioners and executed by the officers designated by the Board of County Commissioners.

None of the benefits or policies set forth in these policies are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the County. The contents of this document are presented as a matter of information only. Although the County believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The County explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees.



## **ARTICLE 2 RECRUITMENT AND SELECTION**

### **2.0 Equal Employment Opportunity Statement**

Caswell County fosters, maintains, and promotes equal employment opportunity. The county shall select, promote, and retain employees on the basis of qualification and without regard to age, sex, race, color, creed, religion, or national origin. Employees or applicants with disabilities shall be given equal consideration with other employees or applicants for positions in full compliance with the Americans with Disabilities Act and all other pertinent federal and state legislation. TTY Users 1 800 735 8262

Notices regarding equal employment shall be posted in conspicuous places on the premises in places where notices are customarily posted

### **2.1 Posting of Vacancies**

When job vacancies occur, the Human Resources Director shall be responsible for adequately publicizing such vacancies. It is the county's policy to create career opportunities for its employees wherever possible. All vacancy notices shall be posted and advertised for a minimum of 10 working days. At the discretion of the County Manager, temporary part-time and full-time employees may be hired without posting the position. This should only occur when the workload is such that the addition of the temporary employee is necessary. Temporary employees are not to oversee, direct or fill any vacancy a full-time employee is available to fill.

### **2.2 Recruitment Sources**

Recruitment sources shall be advised of the County's equal employment opportunity policy. The County shall include, among its recruitment sources, organizations and news media, which are utilized by and are available to qualified applicants to ensure compliance with the County's EEO Policy. Recruitment shall be from a geographic area as wide as necessary to ensure that well qualified applicants are obtained.



## **2.3 Job Advertisements**

Job advertisements shall contain assurance of equal employment opportunity and provide basic information about the position being advertised. The information shall include hiring rate or range, employment qualifications, and a brief description of the duties of the position.

## **2.4 Applications for Employment**

All persons applying for employment with the County shall be required to complete an official Caswell County employment application and supply required documentation. Employment applications will only be accepted during the active recruitment period for an announced and advertised vacancy. Unsolicited applications and resumes submitted outside the active recruitment period will not be accepted.

Information provided on the application must be true and correct with the provision of false information being grounds for elimination from consideration and/or dismissal from County employment.

Additional punishment may be pursued as provided in G.S. 14-3 (G.S. 14-122.1).

## **2.5 Testing**

Applications for certain positions may be required to take various tests, which measure ability, aptitude, or skill. All tests given to applicants shall be administered and evaluated by qualified individuals. All tests administered will conform to applicable legal regulations. All test criteria will be job-related and consistent with business necessity and in full compliance with the Americans with Disabilities Act (ADA). It is also recognized that, because more subjective criteria involving dedication, service, and professionalism affect the ability to do a job well, applicants with the highest test scores are not always the best qualified.

## **2.6 Medical Examination**

Medical examinations for job-required classes may be given only after an offer of employment has been made to an applicant and prior to the commencement of the employment duties of the applicant. However, all entering employees in the same job category



must also be subjected to an examination. The information gained in the examination must be maintained separately and confidentially in accordance with the Health Insurance Portability and Accountability Act (HIPAA)

If the medical examination reveals the applicant has a disability, the County may not refuse to hire the applicant if the disability can be reasonably accommodated in accordance with the ADA. Any examination shall be at the expense of the County.

The County may require a medical examination or the medical monitoring of current employees if job-related and consistent with business necessity. However, if not job-related and consistent with business necessity, no employee shall be required to take a medical examination and the County shall not make inquiries as to whether or not the employee has a disability or as to the nature or severity of the disability. Such examination shall be at the expense of the County and by a physician selected by the County.

### **2.7 Identification and Employment Eligibility**

All new appointments to the County shall present proof of identification and employment eligibility before they are placed on the County payroll. New appointments are required to present acceptable documentation in accordance with applicable immigration law. The Human Resources Director shall be responsible for obtaining adequate identification for employment and documentation on the Federal Form I-9 and in compliance with E-Verify.

### **2.8 Driving Status**

If the position requires it, candidates for employment must present a valid driver's license at the time of employment and comply with the County's Vehicle Use Policy.

### **2.9 Selective Service Compliance**

All new appointments to the County, who are US male citizens or permanent residents, 18 to 26 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time or part-time.



Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has 30 days to provide the County with information that he is now in compliance with the federal law. The County Manager may then give the applicant a hearing and if the applicant proves that the failure to register “was not a knowing and willful failure,” he may be considered for employment by the County.

### **2.10 Appointment**

It is the policy of the County to employ according to merit and qualifications. The County shall use all available means to attract qualified candidates for employment, and make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, and other qualities required for positions in the service of the County.

After interviews are conducted and an investigation of the qualifications and experience of interviewed applicants is complete, the appointing authority, after consultation with the Human Resources Director, shall have the authority to make the final appointment and may recommend to the County Manager any conditions of employment. The County Manager may delegate appointing authority to Department Heads; however, the County Manager maintains final authority.

### **2.11 Work Against Appointment**

When qualified applicants are unavailable, and there is no trainee provision for the classification of the vacancy, an appointment may be made below the level of the regular classification in a work against appointment. A work against appointment is for the purpose of allowing the employee to gain the qualifications needed for the position through on-the-job experience. The appointment must meet the minimum education standard of the position to which initially appointed. A work against appointment should not be made when applicants are available who meet the education and experience requirements for the full class. The salary of an employee in a work against position should be no more than 15% below the grade and no less than 5% below the grade. Employees in a work against position



are not eligible to receive an increase when coming off the probationary status.

### **ARTICLE 3 EMPLOYMENT STANDARDS**

#### **3.0 Probationary Period of Employment**

An employee appointed to a regular position shall serve a probationary period. The probationary period is an extension of the selection process, and provides the time the new employee needs to achieve performance at or above the expectations of the job or to be separated if performance does not meet acceptable standards.

Individuals who are being reemployed after a separation shall also serve a probationary period.

The probationary period for employees subject State Human Resources Act shall be nine (9) months of either full-time or part-time employment from the actual date of employment or reemployment. Periods of extended leave of absence with or without pay do not suspend or increase the duration of the probationary period beyond 12 months. Extended leave is defined as leave in excess of one-half of the regularly scheduled workdays and holidays in the month. The probationary period in this policy is not the same as the probationary period prescribed for law enforcement officers or employees of other Caswell County departments and agencies. For those employees, the probationary period shall be six (6) months for regular employees and twelve (12) months for Sworn Law Enforcement Officers.

The probationary period for general employees, serving a six (6) months probationary period, may be extended up to an additional three (3) months at the discretion of the Department Head or in the case of Department Heads, the County Manager or other appointing authority. An employee serving a probationary period may be dismissed by the Appointing Authority at any time it is determined the employee is not satisfactorily performing the assigned duties and performance is not likely to improve.



The Department Head, County Manager, Human Resources Director or other Appointing Authority, shall have the option of requiring an additional probationary period for employees who have been transferred to another position.

An eligible general employee or an employee subject to the State Office of Human Resources Act serving a probationary period shall receive all benefits provided in accordance with these policies. Employees serving a probationary period following initial appointment shall be permitted to take vacation during the probationary period only with the prior approval of the Department Head and County Manager, or designee.

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

- A. That the employee's progress (accomplishments, strengths, and weakness) has been discussed with the new employee at three months and six months.
- B. Whether the new employee is performing satisfactory work.
- C. Whether the probationary period should be extended.
- D. Whether the employee should be retained in the present position or should be released, transferred, or demoted.
- E. A personnel action clearance form and a copy of the Supervisor's report, covering items A through D, shall be forwarded to the County Manager and Human Resources Director for approval.

### **3.1 Periodic Performance Evaluation**

Performance evaluations will be conducted for all regular employees. Official evaluation forms will be completed no less than annually. It is recommended that employees with performance deficiencies, be evaluated every six months or as frequently as deemed necessary by the Department Head, County Manager or Human Resources Director.

Evaluation forms used will be appropriate for the employee being evaluated. Criteria for evaluation may vary depending on the types





of technical expertise and degree of supervisory responsibility involved in the position.

Evaluations should be performed by the employee's immediate supervisor who is most familiar with their work. The evaluation session is intended to provide an opportunity for the employee to receive the supervisor's assessment for the work performance and to allow the employee to evaluate their relationships with the County and fellow employees. The evaluation determines if performance is satisfactory and is not necessarily related to salary increases.

Satisfactory performance, which is documented in the evaluation process, would be considered at budget time for step increases.

After an evaluation session has been conducted, the supervisor shall complete and sign the evaluation form. The employee shall review the form, indicate in writing any disagreement with it, and sign it within 10 working days. The supervisor shall forward the form to the Department Head for review and signature approval and then to Human Resources for review and filing in the employee's permanent personnel file. The County Manager will review and approve the performance evaluations for all department heads and department supervisors in those departments reporting directly to the County Manager. The employee's signature on an evaluation form does not mean that the employee agrees with its contents. Refusal of the employee to sign the evaluation form will not be accepted as an indication of the employee's disagreement with the evaluation, nor will it affect the validity of that evaluation.

### **3.2 Promotion**

It is the policy of the County to encourage qualified County employees to apply for any position they believe they are qualified in filling. An employee wishing to be considered for a position shall submit an application to the appointing authority following normal procedures. Candidates for promotion shall be chosen on the basis of their qualifications and work records. An employee being promoted shall serve a new probationary period beginning on the date assigned to the new position.





### **3.3 Demotion**

Any employee whose work in their present position is unsatisfactory or personal conduct is unsatisfactory may be demoted by the appointing authority if the employee shows promise of becoming a satisfactory employee in another position.

If the demotion is for unsatisfactory job performance or unacceptable personal conduct, the employee shall be provided with written notice from the appointing authority citing the recommended effective date and reasons for demotion and appeal rights available to the employee, and the procedures set out in Article 6 of this manual shall be followed. A regular employee may also be voluntarily demoted if they wish and the County Manager or other appointing authority approves the demotion. An employee being demoted shall serve a new probationary period beginning on the date assigned to the new position.

### **3.4 Appointment and Career Status**

A Career Status employee is a local government employee who is in a regular position and has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5(a)(2) in a position subject to the State Human Resource Act for the immediate 12 preceding months. Prior to achieving career status, an employee may be separated from service for causes relating to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. Except in cases of discrimination, a separation prior to achieving career status is not subject to the right of appeal. An employee alleging discrimination, may file a complaint following the process outlined in the Grievance Procedure located in Article 7 of these Personnel Policies.

Once an employee has achieved career status, the employee may be separated from service for causes relating to performance of duties, grossly inefficient job performance or for unacceptable personal conduct by following the process outlined in the Grievance



Procedure located in Article 7 of these Personnel Policies. The Career Status employee may follow the Grievance procedure located in Appendix G of these Personnel Policies.

### **ARTICLE 4 CONDITIONS OF EMPLOYMENT**

#### **4.0 Work Schedule**

While most County employees work a set number of hours each week, the activities of some departments require alternative schedules to meet their work needs. In those departments, the County Manager may authorize a deviation from the normal work schedule. The County has adopted, as its policy, practice, and procedure, a method of compensating employees for overtime whereby employees are permitted to utilize compensatory time off, in lieu of cash overtime payment, as stated below.

All County employees must note that in case of disaster or emergencies, the work schedules may have to be altered and overtime may be required.

The workweek for administrative staff begins Friday at 5:00pm and ends the following Friday at 5:00pm. While most County employees work a 40-hour workweek with a normal schedule, the activities of some departments require alternative schedules and alternative workweek starting times to meet their work needs. In addition, some County departments lend themselves to the flextime concept. The County Manager may consider such schedules for such departments. More information on this topic is provided in Article 5, Sections 1 and 2.



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Normal work periods for full-time county employees are:

	<u>Work Period</u>	<u>Hours/Day</u>	<u>Hours/Period</u>
General	7 days	8	40
Law Enforcement	28 days	12	168/171
Detention	28 days	12	168/171
Telecommunicators	7 days	*	*
EMS Technicians	7 days	24	*

\*Administered as a 40-hour employee.

### **4.1 Orientation**

Prior to beginning employment, all new employees shall receive orientation regarding County policies and employee benefits by the Human Resources staff. New employees shall then receive orientation from their assigned department regarding the specific duties and responsibilities of their position and their assigned department.

### **4.2 Use of County Property**

Use of County-owned property is intended for official County business only. County owned property is not for personal use and shall not be removed from County premises except for approved official County business.

### **4.3 Employment of Relatives**

Employment of an immediate family member of any member of the governing body or administrative official of the County is strongly discouraged. No person shall be hired or assigned to work under the administrative influence or supervision of an immediate family member.



Immediate family includes spouse, mother, father, sister, brother, children, and grandparent and grandchildren, including in-laws and step relationships. Immediate family may be expanded to include others living within the same household or otherwise closely identified with each other as to suggest difficulty in employment.

#### **4.4 Political Activity**

- A. Purpose. The purpose of this section is to ensure that county employees are not subjected to political or partisan coercion while performing their job duties, to ensure that employees are not restricted from political activities while off duty, and to ensure that public funds are not used for political or partisan activities. It is not the purpose of this section to allow infringement upon the rights of employees to engage in free speech and free association. Every county employee has a civic responsibility to support good government by every available means and in every appropriate manner. Employees shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor shall employees, while off duty, be restricted from attending political meetings, or advocating and supporting the principles or policies of civic or political organizations, or supporting partisan or nonpartisan candidates of their choice in accordance with the Constitution and laws of the State and the Constitution and laws of the United States of America.
- B. Definitions. For the purposes of this section:
1. "County employee" or "employee" means any person employed by a county or any department or program thereof that is supported, in whole or in part, by county funds;
  2. "On duty" means that time period when an employee is engaged in the duties of their employment; and
  3. "Workplace" means any place where an employee engages in their job duties.
- C. No employee while on duty or in the workplace may:
1. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office; or



2. Coerce, solicit, or compel contributions for political or partisan purposes by another employee.
- D. No employee may be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- E. No employee may use county funds, supplies, or equipment for partisan purposes, or for political purposes except where such political uses are otherwise permitted by law.
- F. To the extent that this section conflicts with the provisions of any local act, local ordinance, resolution, or policy, this section prevails to the extent of the conflict.

#### **4.5 Secondary Employment**

Full-time employment with the County shall take precedence over all other employment opportunities of employees. Any employment, including self-employment if it is income producing, other than employment with the County, is considered secondary. It is the employee's responsibility to inform the County before any secondary employment begins. Any request for secondary employment must be made in writing utilizing the County's Secondary Employment Request Form.

Secondary employment shall not be permitted when it would:

- A. Create, either directly or indirectly, a conflict of interest with the primary employment;
- B. Impair in any way the employee's ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee's position.

#### **4.6 Gifts and Favors**

The proper operation of County government requires that appointed officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of



ethical conduct while fulfilling their job duties and responsibilities. Therefore,

- A. No appointed official or employee of Caswell County shall accept any gift, whether in the form of a service, loan, thing, or promise, exceeding a value of \$50.00, from any person, firm or corporation doing or who is seeking to do business of any kind or, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.
- B. No appointed 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 appointed official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.
- D. No appointed official or employee shall seek personal or financial advantage because of their position with the County.

### **4.7 Employee Ethics**

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

- A. Employees shall refrain from any use of their position, which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of the extracting of private advantage from their employment with the County.
- B. Employees shall exercise discretion in their care of personal financial activities to avoid any legal liabilities, which would reflect unfavorable upon the County. Questionable cases should be discussed with the supervisor and if necessary, the supervisor and employee should consult the County Manager.
- C. Employees shall not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.
- D. Employees shall avoid any action, which might result in giving preferential treatment to any organization or person;



losing their independence or impartiality of action; or affecting adversely the confidence of the public integrity of the County.

- E. Any employee who witnesses another employee engaging in an unlawful act on the job shall report that employee to that employee's supervisor, who is to notify the Department Head, who in turn will notify the County Manager.
- F. The image of the County is directly related to the employees of the County and the way in which they conduct and present themselves. All employees are expected to dress appropriately at all times in a professional manner, which is consistent with good business practice and the provisions of the safety policy.

### **4.8 Breaks**

It is the policy of the County to provide its employees with two 15-minute breaks; one in the morning and one in the afternoon. Those breaks are not required by law and consequently should be considered as a privilege and limited to the time indicated.

Breaks should not interfere with the employee's work and should not be taken unless work circumstances warrant. Generally, breaks should be taken at the work site, in the break room or employee's office, if applicable. The 15-minute break period includes travel time to and from the break location. Department Heads have the authority to alter the break policy for their employees when it is in the County's best interest.

Office personnel and other employees responsible for answering the telephone and serving walk-in visitors shall arrange to have their duties handled by another employee while they are on break. Under no circumstance is any County office to be left unattended without authorization from the County Manager.

Breaks shall be used only as rest periods and under no circumstances may they be carried over into another time period, saved for another day, combined with other types of leave, or added together to make one long break.





### 4.9 Workplace Harassment

Caswell County prohibits, and will not tolerate, sexual harassment or any harassment on the basis of race, color, religion, gender, national origin, political affiliation, non-disqualifying disability, age, marital status or veteran status. Harassment complaints or allegations will be investigated promptly and where it is determined that such inappropriate conduct has occurred, we will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment, other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of race, color, religion, gender, national origin, age, or disability, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating, hostile acts. Written or graphic material which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

Any employee who feels harassed or who knows of or suspects the occurrence of harassment is responsible for informing their





immediate supervisor, Department Head, HR Director or the County Manager of the facts regarding such harassment so that management may promptly and thoroughly conduct an investigation. Supervisors and Department Heads who receive a harassment complaint are to contact the Human Resources Director immediately.

If an investigation confirms that unlawful harassment occurred, the County will take immediate corrective action, including discipline up to and including immediate termination of employment of the harassing party as is appropriate. Employees making complaints of sexual harassment are protected against retaliation from alleged harassers or other employees.

### **4.10 Workplace Violence**

Caswell County is committed to providing a workplace that is free from violence by establishing preventive measures, by holding perpetrators of violence accountable, and by providing assistance and support to victims. The County's Safety Committee has been designated to evaluate both immediate and potential threats of workplace violence. Any form of violence as defined in this policy may be cause for disciplinary action, up to and including dismissal, as unacceptable personal conduct.

**A. Prohibition on Retaliation and False Reports:** All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, clients, visitors or vendors and shall report all acts of violence and threats of violence to the Department Manager and Human Resources Director as provided in this policy.

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. All reports of violence will be handled in a confidential manner, with information released on a need-to-know basis. Department Managers and supervisors shall be sensitive and responsive to fears from the reporting employee of reprisal.

Deliberately false or misleading claims of violence that appear to have been filed with the intention to harass or that



appear to be frivolous or an abuse of the violence reporting process shall be considered instances of unacceptable personal conduct and may be subject to disciplinary action, up to and including dismissal.

### **B. Definitions of Prohibited Behaviors:**

**Workplace violence** includes, but is not limited to: intimidation, bullying, stalking, threats, physical attack, property damage, or domestic and family violence. This includes acts of violence committed by or against County employees. Such incidents may also involve clients, visitors or vendors.

**Bullying** is unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks. The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient.

**Intimidation** includes but is not limited to unwarranted behavior intended to frighten, coerce, or induce duress.

**Physical attack** is unwanted or hostile physical contact including but not limited to hitting, fighting, shoving, restraining, or throwing objects.

**Property damage** is intentional damage to property and includes property owned by Caswell County or by employees, clients, visitors or vendors.

**Stalking** involves harassing or pestering an individual in person, in writing, by telephone or by electronic format. Stalking also involves following an individual, spying on them, alarming the recipient, or causing them distress and may involve physical violence or the fear of physical violence.



**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 out the threat and without regard to whether the expression is contingent, conditional, or future.

**Domestic and Family Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or a prior intimate relationship (including people who are married, live together or date, or who have been married, lived together or dated) or between family members.

**Weapons** are any objects that may be used to intimidate, attack, or injure another person or to damage property.

Objects understood to have a primary function as a weapon are not allowed on County property unless expressly authorized under this policy or under State law.

### **C. Prohibited Actions and Sanctions:**

It is a violation of this policy to:

1. Engage in workplace violence as defined by this policy
2. Possess, use, or threaten to use an unauthorized weapon as defined by this policy
3. Misuse authority vested to any employee of the County in such a way that it violates this policy
4. Engage in off-duty violent conduct that has a potential adverse impact on the County and its employees, clients, visitors, or vendors

A violation of this policy shall be considered unacceptable personal conduct and may be grounds for disciplinary action, up to and



including dismissal.

An act of off-duty violent conduct may be covered by this policy and may also be grounds for disciplinary action, up to and including dismissal. In these situations, department management, in consultation with the Human Resources Director must demonstrate that the disciplinary action is supported by the existence of a significant correlation between the type of violent conduct committed and the potential adverse impact on the County and its employees, clients, visitors, and vendors.

#### **D. Threat Assessment:**

Caswell County's Safety Committee will assess and respond to immediate and potential acts of workplace violence. The Committee's core group is composed of a representative from each department and headed by the Emergency Services Director. The Committee will be responsible for receiving threat reports, conducting thorough assessments, determining appropriate responses, tracking and reporting workplace violence information, and conducting related training.

Depending on the severity of the threat, a formal investigation may be required. Appropriate law enforcement agencies will be notified and will conduct criminal investigations, if necessary. The Emergency Services Director will conduct workplace violence investigations. Threat assessments will consider all details relevant to the threat and will assess the totality of circumstances when determining an appropriate action.

#### **E. Support and Protections:**

The County will make efforts to protect victims of workplace violence by offering all feasible security measures. Victims may also need special accommodations or adjustments to their work schedule,



work location or working conditions in order to enhance their safety. The County will accommodate these requests and needs whenever possible and appropriate and will work closely with victims to assure that both the needs of the victims and the County are addressed.

The County will offer reasonable support to victims of workplace violence, which includes domestic and family violence, whenever feasible. This support may include encouragement of the victim to use the services of the Employee Assistance Program (EAP); Department of Social Services, Family Services or appropriate law enforcement agency. In addition, the County shall grant a victim the use of available paid leave, accumulated paid time off, leave without pay, and/or flexible work scheduling for medical, court, or counseling appointments related to trauma and/or victimization. Employees can also use Family & Medical Leave if eligible.

### **F. Reporting Responsibilities and Procedures:**

All incidents must be reported to the Human Resources Director in writing. A Workplace Violence Reporting Form that can be used to document workplace violence is available in Human Resources.

The Human Resources Director should receive the reporting form as soon as practicable, generally within two business days of the incident. Should a violence incident go unreported and is later discovered to have occurred, Department Directors remain obligated to report the incident to the Human Resources Director.

The Human Resources Director will coordinate with other appropriate directors, supervisors and employees to investigate the report. Depending on the nature of the incident, the County may require Department Directors in the department(s) in which the incident occurred to perform a more detailed investigation. Some



issues, such as domestic or family violence, may be referred directly to the Employee Assistance Program or appropriate law enforcement without involving department management.

Generally, department management is responsible for ensuring the completed form is received by the Human Resources Director.

However, a participant in (or witness to) a violence incident may contact the Human Resources Director directly (by phone, email, or in person) to report the incident. In such instances, the Human Resources Director will complete the reporting form with the assistance of the informant.

### **4.11 Solicitation**

Employees are prohibited from participating in any type of solicitation during work time. Solicitation may occur during breaks, lunch, and before and after work if done on a strictly volunteer basis. Solicitation must be conducted in such a way that no employee feels pressure to participate. No supervisor or administrative employee shall solicit employees for sales or contributions to funding appeals, or to support a particular political candidate. Solicitation includes selling items for fundraising or for personal profit.

### **4.12 Uniform Policy**

Each County employee, whose job requires specific work clothing, will be provided with the necessary items. Replacement clothing will be issued as required or as necessary upon request of the employee. The Department Head or designee shall keep an employee uniform record on each employee and all County provided clothing and equipment shall be returned to the County upon employment termination by the employee. The value of any issued work clothing and/or equipment shall be deducted from the employee's last check if the assigned work clothing and/or equipment is not returned to the County. It is the employee's responsibility to launder uniforms (unless otherwise noted) in order to keep the professional appearance of the County.



### 4.13 Licenses and Certificates

Each County employee, whose job requires specific licenses or certificates must maintain and possess current and active licenses and certificates. If an employee loses or fails to maintain and possess the appropriate and required licenses and certificates and who is then unable to perform the essential functions of their job, may be immediately terminated or placed on leave without pay.

### 4.14 Fraud, Waste and Abuse

The County of Caswell is committed to the safeguarding of public assets and preventing fraud, waste and abuse. All County employees, as public stewards must share in the commitment. County employees, especially supervisors and department heads/elected officials, must be aware of the circumstances, or “red flags”, which may potentially lead to fraud. For the purpose of this administrative policy, fraud, waste and abuse are referred to as “fraud.”

- A. **PURPOSE:** Caswell County is committed to the highest standards of moral and ethical behavior by its employees, administrators, and elected officials. The purpose of this policy is to prohibit dishonest acts and/or fraudulent activity and to advise employees, administrators, and elected officials of their responsibility to report suspected fraudulent activity to the appropriate County office.
- B. **SCOPE:** This policy applies to any fraud, or suspected fraud, involving employees, department heads, officials, consultants, vendors, contractors, and any other parties with a business relationship with Caswell County. This policy also applies to employees of local boards, agencies and commissions over which the Board has authority to require general policies to be followed.
- C. **GOAL:** It is the intent of this policy to establish and maintain a fair, ethical, and honest working environment for all County employees, customers, suppliers and anyone else with whom the County has a relationship.



**D. DEFINITIONS:**

**Fraud** – Fraud encompasses an array of intentional irregularities and illegal acts characterized by internal or external deception. It can be perpetrated for the benefit of, or to the detriment of, the County; and by persons outside as well as inside the County. Examples of fraud include, but are not limited to the following:

1. Stealing, misappropriation of funds, supplies, etc.
2. Forgery or unauthorized alteration of any document.
3. Intentional misrepresentation by County personnel regarding payroll records or the payroll records of others
4. Knowingly making a false entry in, or false alteration of a government record
5. Making, presenting, or using any record, document, or thing with the knowledge that it is false
6. Intentional destruction, concealment, removal or other impairment to the verity, legibility, or availability of a government record
7. Processing, selling, or offering to sell a governmental record or a blank governmental record form with the intent that it be used unlawfully, or with the knowledge that it was obtained unlawfully
8. Using or claiming to hold an educational degree that is fraudulent, fictitious, or has been revoked, with the intent to obtain employment, promotion, or other benefit
9. Credit card abuse or falsification of transaction
10. Making a false statement to obtain property, credit, or services
11. Fraudulent transfer of a motor vehicle
12. Securing execution of a document by deception
13. Fraudulent destruction, removal, or concealment of a writing
14. Simulating legal process
15. Fraudulent use or possession of identifying information without that person's consent
16. Stealing an unsigned check or receiving an unsigned check with the intent to use it or sell it

**Waste** – Waste is defined as harmful or destructive use of property under one's control. Waste may also be referred as the unnecessary





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incurring of costs as a result of inefficient practices, systems or controls. Examples of waste include, but are not limited to the following:

1. Damaging, destroying, or ruining materials or equipment
2. Improper maintenance or intentional mistreatment of equipment
3. Purchase of unneeded supplies or equipment
4. Purchase of goods at inflated prices
5. Failure to reuse or recycle major resources or reduce waste generation

**Abuse** – Abuse refers to violations and circumventions of departmental or County regulations which impair the effective and efficient execution of operations. Some examples of abuse are as follows:

1. Using County equipment or supplies to conduct non-County business
2. Improper handling or reporting of money or financial transaction
3. Profiting by self or others as a result of inside knowledge
4. Destruction or intentional disappearance of records, furniture, fixtures or equipment
5. Accepting or seeking anything of material value from vendors or persons providing services or material to the County for personal benefit
6. Unauthorized use of County resources (computers, software, databases, other information) for non-County purposes
7. Abuse of purchase order authority, such as false travel or expense reports
8. Use of information gained as County employee for personal gain, such as an employee using non-confidential taxpayer information to get new customers for their outside business

### **E. DETERRENCE**

Deterrence consists of those actions taken to discourage the perpetration of fraud and limit the exposure if fraud does occur. Elected Officials/Department Heads are responsible for the



implementation and maintenance of effective internal controls. The Finance Office is responsible for assisting in the deterrence of fraud by examining and evaluating the adequacy and effectiveness of internal controls.

Fraud, waste and abuse occurs for the following reasons:

1. Poor internal controls, especially disregard for set policies and procedures
2. Management override of internal controls
3. Collusion between employees and/or third parties
4. Poor or non-existing ethical standards
5. Lack of control over staff by their supervisors

### **F. RED FLAGS**

The most frequently cited “red flags” of fraud, waste and abuse are:

1. Changes in an employee’s lifestyle, spending habits or behavior
2. Poorly written or poorly enforced internal controls, procedures, policies or security
3. Irregular / unexplained variances in financial information
4. Inventory shortages
5. Failure to take action on results of internal/external audits or reviews
6. Unusually high expenses or purchases
7. Frequent complaints from customers
8. Missing files
9. Ignored employee comments concerning possible fraud
10. Refusal to leave custody of records during the day by the employee
11. Working excessive overtime and refusing to take vacation time off

### **G. FRAUD PREVENTION**



The following internal controls should minimize the risks and help prevent fraud, waste, and abuse:

1. Detailed written policies and procedures and adherence to all policies and procedures, especially those concerning documentation and authorization of transactions.
2. Physical security and controlled access over assets such as locking doors and restricting access to certain areas.
3. Proper training of employees
4. Independent review and monitoring of tasks by the department supervisor, such as approval processing of select items.
5. Separation of duties so that no one employee is responsible for a transaction from start to finish
6. Clear lines of authority
7. Conflict of interest statements which are enforced
8. Rotation of duties in positions more susceptible to fraud
9. Ensuring that employees take regular vacations
10. Regular independent audits of areas susceptible to fraud

### **H. REPORTING FRAUD**

If an employee suspects that fraud is being committed within the County, then the employee should report it to any of the following:

1. The immediate supervisor
2. Department Head/Elected Official
3. County Manager by phone at 336-694-4193 Ext. 202 or by mail to PO Box 98, Yanceyville, NC 27379.
4. The Fraud Hot Line at 336-694-4193 Ext. 100.

The supervisor, department head/elected official, county manager should immediately report it to the necessary authority.

Any employee that communicates with any of these individuals to report fraud will have the option to remain anonymous. Every



attempt will be made to protect the identity of the reporting individual. The County is committed to protecting the employee's identity and confidentiality.

Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Managers, while appropriately concerned about 'getting to the bottom' of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. All relevant matters, including suspected but unproven matters, should be referred immediately to the Department Head and/or the County Manager.

If members of the public suspect that fraud is being committed within the County, they may report it to the County's Fraud Hot Line at 336-694-4193 Ext. 100.

### **I. RETALIATION**

An employee who believes that he or she has experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the County Manager at 336-694-4193 Ext. 202.

### **J. REPORTING UNETHICAL BEHAVIOR**

Employees are encouraged to seek advice from the County Manager when faced with uncertain ethical decisions. The County Manager is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as necessary.

### **K. DUTY TO REPORT**

Local public officials, County officials, County employees, and all others who are subject to this policy have a duty to report violations of this policy and to cooperate in investigations, inquiries, and hearings conducted by the County. However, a person making false reports shall be subject to disciplinary action if he or she reports information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity.

### **L. NO COERCION**



No County official or employee shall directly or indirectly use or threaten to use any official authority or any influence in any manner whatsoever, which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or provides any facts or information relative to an actual or suspected violation of this policy or other state, federal, or local laws.

### **M. CONSEQUENCES**

County Department Heads found to have violated this policy will be subject to discipline by the County Manager or appropriate appointing authority, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which a department head may otherwise be disciplined.

County employees found to have violated this policy will be subject to discipline by their department head or elected official regarding violations of this policy, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which the employee may otherwise be disciplined.

Parties doing business with the County, including vendors, consultants, contractors or their principals and employees, found to have violated this policy will be subject to termination of any business relationship with the County and exclusion from further business opportunities with the County. The Finance Office will maintain a list of affected businesses.

As to any person to this policy or otherwise, the County may make referral of its findings to the appropriate law enforcement authority.

### **4.15 Conflict of Interest**

Employment with Caswell County Government is a public trust. You must not have any financial interest in, or receive any financial benefit from, any acquisition or expenditure related to County activities that interferes or conflicts with the full discharge of your duties. Even if no interference or conflict with the full discharge of your duties would or may exist, you must make full



disclosure to the County Manager of any financial interest you or any relative have in, or any financial benefit you or any relative receive, any acquisition or expenditure related to County activities. For the purpose of this policy, “relative” means parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in-law, grandchild, or another person who resides in the same household. A court-appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.

### **ARTICLE 5 HOURS OF WORK AND OVERTIME**

#### **5.0 Hours of Work**

Caswell County shall comply with all applicable regulations of the Fair Labor Standards Act (FLSA). The FLSA requires that employees must receive at least the minimum wage and may not be employed for more than 40 hours in a week without receiving at least one and one-half times their regular rates of pay for the overtime hours (Sworn Law Enforcement Officers and Detention Officer may be assigned to work schedules greater than 40 hours in a work period in accordance with paragraph 207(k) of the FLSA).

The workweek ordinarily includes all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place. "Workday", in general, means the period between the time on any particular day when such employee commences his/her "principal activity" and the time on that day at which he/she ceases such principal activity or activities. The workday may therefore be longer than the employee's scheduled shift or regularly scheduled hours of work.

#### **5.1 Overtime Policy**

For Non-Exempt employees (employees not Exempted from the overtime provisions of the FLSA), the County will compensate employees with time off at the rate of one and one-half times the hours worked in excess of the standard hours for the work period. However, at the County Manager’s discretion, pay may be



authorized in lieu of time off if it is in the County’s best interest. Executive, administrative, or professional employees, classified as Exempt under the FLSA rules, are not eligible for overtime pay; however, may be eligible to utilize Flex Time as may be approved by the County Manager.

**5.2 Reference** *See Appendix H for detailed information regarding pay and overtime.*

## **ARTICLE 6 SEPARATION AND DISCIPLINARY ACTION**

### **6.0 Types of Separation and General Procedures**

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated; resignation, reduction in force, disability, retirement, dismissal or death. An employee leaving the County’s service for any reason shall turn in any County property (e.g., keys, uniforms, or equipment), assigned to the employee. Employees who separate from employment as a result of resignation, reduction in force, disability or retirement shall be provided the opportunity for an exit interview.

#### **6.1 Resignation**

It is requested that an employee who desires to terminate their employment with the County will, in the absence of exceptional circumstances, give written notice to their Department Head at least two weeks prior to their last intended day of employment. Resigning Department Heads should give one month’s notice. An employee who is absent from work three consecutive days without reporting to their supervisor the reason for the absence shall be considered to have terminated their employment without notice, and notation to this effect shall be recorded on the employee’s personnel file.

#### **6.2 Reduction in Force**

The County Manager, with the approval of the Board of County Commissioners, has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee’s past performance, the



need for the employee's service, seniority, and other indicators as may be applicable in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two weeks' notice of an anticipated lay-off and will be given first opportunity to return to work should an opening become available commensurate with their skills. No regular employee shall be separated while there are temporary 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 employee. Under the provisions of reduction in force, the County Manager has the options to make changes in work time and/or work load to accomplish the reduction.

### **6.3 Disability**

An employee may be separated for disability when the employee cannot perform the essential functions because of a physical or mental impairment. Action may be initiated by the employee or the County, but in all cases, it shall be supported by medical evidence. The County may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, an effort shall be made to make reasonable accommodations that will allow the employee to continue working in their current position or locate alternative positions within County service for which the employee may be suited. To separate the employee, the disability must be such that a reasonable accommodation cannot be made and the disability is such that it is both job-related to major job-task functions and business necessities. Within the provisions of the North Carolina Local Governmental Employees' Retirement System, such employee may be eligible for Disability Retirement.





### **6.4 Retirement**

County employees participate in and are eligible to retire under the North Carolina Local Governmental Employees' Retirement System (LGERS). Any employee who is planning to retire should notify their Department Head and the Human Resources Director and the retirement system within 120 days prior to the planned effective retirement date (from time to time, the LGERS changes the notification requirement. Employees are encouraged to check with the LGERS to learn the notification requirement necessary for their retirement). Employees may apply unused sick leave to retirement credit, subject to LGERS requirements. Those employees retiring from County service shall be paid all annual vacation leave not used.

### **6.5 Death**

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

### **6.6 Disciplinary Action**

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. A supervisor may present corrective action through either counseling or conferences prior to or in addition to disciplinary action. Depending upon the circumstances, one or more of the following kinds of disciplinary actions may be taken: official written reprimand, withholding step increases, suspension, demotion, or dismissal. The appointing authority shall have the authority to administer any of the aforementioned forms of discipline after first consulting with the Human Resources Director.

An employee whose work performance is unsatisfactory shall receive two prior written warnings before disciplinary action resulting in dismissal is taken. Because of substantial differences between unsatisfactory job performance and unacceptable personal conduct, the disciplinary actions for each may be carried out



differently. In all cases the employee shall receive a written summary of charges and actions taken, a copy of which shall go into their personnel file.

### **6.7 Disciplinary Actions for Unsatisfactory Job Performance**

An employee whose work is unsatisfactory over a period of time shall be notified in writing by the employee's immediate supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory job performance includes aspects of the employee's job, which do not meet the standards set by the appointing authority (See Section 6.15).

### **6.8 Progressive Steps of Discipline**

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

- A. Written Warning – The supervisor, after first consulting with the Human Resources Director, shall prepare a written summary of the performance problem(s). The immediate supervisor, along with another supervisor in the direct reporting line, shall meet with the employee to discuss the area(s) of unsatisfactory job performance and present the written warning to the employee and discuss its contents, which should include the following:
  - 1. Date(s) and points covered in previous warning(s).
  - 2. A description of specific performance problem(s).
  - 3. Specific actions the employee needs to take to improve performance to satisfactory level.
  - 4. A general time frame allowed for improvement.
  - 5. A strong notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal.
  
- B. The written warning should be signed by the employee with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor should indicate on the warning that the employee refused to sign it. The employee shall have an opportunity to have their comments considered at the time the warning is given.



- C. Second Written Warning – If previous warnings have not been effective, the employee should be given a second written warning before being dismissed or demoted. Before issuing the second written warning, the appointing authority will consult with the Human Resources Director and review the contents of the previous warnings and take the following steps:
1. Prepare a second written warning outlining the points covered in the previous warnings.
  2. Conduct a disciplinary conference with the employee and discuss the specific reasons for the action, the necessary improvements and the time allowed to make improvements. The employee's immediate supervisor should be present at the conference.
  3. Present the second written warning to the employee and indicate that failure to correct the unsatisfactory performance may result in dismissal.
- D. If all efforts have failed to improve the performance of the employee the following steps should be taken to dismiss the employee:
1. A written summary of the case shall be prepared by the appointing authority along with a decision for the action to be taken.
  2. A pre-dismissal conference shall be held between the appointing authority and the employee for the purpose of presenting the employee with the specific reasons(s) for the dismissal. The employee shall have the right to respond at the pre-dismissal conference.
  3. The appointing authority will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice shall include an indication of the employee's right to appeal. A copy of the action shall be placed in the employee's file.

## **6.9 Disciplinary Actions for Failure in Personal Conduct**

An employee may be immediately suspended or dismissed for causes relating to personal conduct that is:



- A. Detrimental to service with the County
- B. To avoid undue disruption of work,
- C. To protect the safety of persons or property; or,
- D. For other serious reasons (See Section 6.15 B).

#### **6.10 Disciplinary Suspension**

When an employee is suspended, the following steps shall be taken by the appointing authority or designee after consultation with Human Resources:

- A. Instruct the employee to leave the worksite at once and remain away until further notice.
- B. Clearly document all facts leading to the suspension. A written summary should be prepared giving the circumstances and facts, which led to the decision for suspension and include a final decision whether the employee should be dismissed or retained. A final decision should be made within 10 working days of initial suspension. A copy of the written action should be filed in the employee's folder and a copy furnished to the employee.
- C. Disciplinary Suspensions shall be without pay not to exceed 10 working days.
- D. If the process warrants an Investigation follow Section 6.13 – Investigatory Leave.

#### **6.11 Right of Appeal**

An employee wishing to appeal discipline, a demotion, a suspension or a dismissal may present the matter using the grievance procedure prescribed in Article 7 of this policy.

#### **6.12 Rescission of Disciplinary Action**

If no further adverse personnel action is taken within 12 months of a given disciplinary action being taken, the action shall be rendered inactive for purposes of the progressive steps of discipline policy by the appointing authority. If the disciplinary action is not eligible for



rescission, that determination shall be documented on the action at the time the action is given to the employee.

### **6.13 Investigatory Leave**

Investigatory suspension with pay may be used to provide time to investigate, establish facts and reach a decision concerning an employee's status. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. Also, the County may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed 30 calendar days (suspension may be extended up to 30 additional days with the approval of the Board of County Commissioners). If no action has been taken by management by the end of 30 calendar days, one of the following must occur, reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee.

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.

There is no time frame on when the employee should be given written notice of why they are being placed on Investigatory Leave –this should be done during the meeting that they are told that they are being placed on this leave.

### **6.14 Cooperation during Suspension or Investigatory Leave**

An employee who has been placed on Disciplinary Suspension or on Investigatory Leave shall fully cooperate with the County regarding all matters relative to the suspension or leave. Failure to comply with any request by the County or failure to cooperate in any way will be grounds for further disciplinary action up to and including termination of employment. All employees shall cooperate in investigations to provide full and truthful information. Employees who are requested to participate in the investigation are encouraged not to discuss any area of the investigation until it is completed.



## 6.15 Administrative Guidelines

### A. Unsatisfactory Job Performance

Unsatisfactory job performance occurs when an employee fails to meet job requirements or performance standards as established by the Department Head or County Manager.

*The following list is illustrative, and is not an exhaustive or exclusive list, of the types of unsatisfactory job performance that may lead to the termination of an employee's employment with the County:*

1. Inefficiency or incompetence or negligence in performing duties;
2. Poor manner of work performance;
3. Failure to produce work of acceptable quality, quantity or accuracy;
4. Physical or mental incapability for performing duties after reasonable accommodation;
5. Careless, negligent or improper use of County property;
6. Failure to maintain satisfactory and harmonious working relationships with fellow employees and the public;
7. Habitual pattern of failure to report for duty at the assigned time and place;
8. Absence without approved leave;
9. Improper use of sick or other leave privileges;
10. Failure to complete work within time frames established;
11. Repeated or serious incident of unsafe behavior at work;
12. Failure to obtain or maintain current license or certificate required as a condition of the job;
13. Failure to wear or use appropriate safety equipment or otherwise to abide by safety rules;
14. A rating below expectations overall or on a principal function for at least two consecutive performance reviews spanning at least six months with no improvement.

### B. Improper Personal Conduct



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An employee who engages in a single act of improper personal conduct is subject to dismissal from employment with Caswell County regardless of whether the employee has previously received a warning of any kind during their career with the County.

*The following list is illustrative, and is not an exhaustive or exclusive list, of the types of improper personal conduct that may lead to the termination of an individual's employment with the County:*

1. Action unbecoming a County employee;
2. Fraud, theft or other illegal activities;
3. Conviction of a felony or the entry of a plea of nolo contendere thereto;
4. Willful misuse or gross negligence in the handling of County funds or missing County funds;
5. Personal use of County equipment or supplies;
6. Falsifying records for personal profit, to grant special privileges or to obtain employment;
7. Engaging in any action that would in any way seriously disrupt or disturb the normal operations of the County;
8. Willful acts that would endanger the lives or property of others;
9. Willfully damaging County property;
10. Possessing unauthorized weapons, alcoholic beverages, or illegal substances while on the job;
11. Violence or other aggressive, threatening, intimidating, bullying or disruptive behaviors whether by means of communication devices or by means of physical visits to the grounds or home of the targeted individual, for the purpose of harassing an individual;
12. Insubordination;
13. Accepting gifts for "favors" or "influence";
14. Without proper authorization, disseminating or otherwise releasing in any manner information that is lawfully maintained by the County as confidential information;
15. Professional misconduct;
16. Leaving the work area repeatedly for excessively long periods without proper authorization;





17. Willful violations of Federal/State law or regulations or County policies;
18. Violation of the County’s policies prohibiting sexual harassment, unlawful discrimination, retaliation, workplace violence, and/or substance abuse;
19. Providing or maintaining false or improper records/documents;
20. Sleeping during work time;
21. Gambling during work time; and
22. Providing an untruthful statement or statements during an administrative investigation conducted by the County and/or otherwise attempting to impede the ability of the County to conduct an accurate and complete administrative investigation.

#### **6.16 Reemployment After Termination**

An employee who is terminated for cause may not be considered for reemployment until after one year from the date of termination. In order to be considered for reemployment, the former employee must provide documented evidence of a good stable work record without any disciplinary actions.

### **ARTICLE 7 GRIEVANCE PROCEDURE**

#### **7.0 Policy Statement**

The County desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best interests of all affected parties.

The following are objectives of the County’s grievance procedure:

- A. Assure employees of a way in which they can get their problems or complaints considered rapidly, orderly, fairly, and without fear of reprisal.





- B. Encourage employees to express themselves about how the conditions of work affect them as an employee.
- C. Foster better employee understanding of policies, practices, and procedures.
- D. Provide employees with assurance that actions are taken in accordance with policies.
- E. Provide a check on how policies are carried out.

### 7.1 Coverage

The provisions of this procedure shall apply to all employees. After following the below listed procedures, employees of the Department of Social Services and the Health Department may avail themselves to the grievance procedures as provided by the Office of State Human Resources.

*See Appendix G for detailed information regarding Appeals to the Office of Administrative Hearing.*

### 7.2 Grievance - Definition

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory facilities, surrounding, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

### 7.3 Grievance - Procedures

All grievable disputes, as defined in the preceding sections, will be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon. Failure by the employee to process a complaint within the stated time limits, or agreed upon extension, shall constitute termination of the complaint. At each step of the grievance process, where written documentation is required, a copy shall be placed in the employee's personnel file.



### A. Step One – Immediate Supervisor

An employee with a grievance shall present the matter in writing to their immediate supervisor within ten working days of its occurrence or within ten working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date of the occurrence cannot be determined the employee should file the grievance within a reasonable time period. The supervisor is encouraged to consult with any employee necessary to reach a correct, impartial, and equitable determination of the matter. The immediate supervisor shall give the employee an answer within 5 working days.

### B. Step Two (If necessary) – Appeal to the Department Head

If the response from step one is not acceptable, the grievant may file, within 10 working days after receiving the response, a written grievance with the Department Head who shall promptly notify the employee and the supervisor of a date and time for a meeting, which shall be no later than 10 working days following the filing of the grievance. Within 5 working days the Department Head shall render a decision on the grievance. Included along with the decision shall be an indication to the employee of their appeal rights under the grievance procedure and that appeals should be made to the County Manager.

### C. Step Three (If necessary) – Appeal to County Manager

If the response from step two is not acceptable to the grievant, the employee may appeal that decision in writing to the County Manager within 10 working days. A hearing by the County Manager shall be held within 30 working days of delivery of the appeal or review request and the Manager shall render a decision within 15 working days of the hearing. The County Manager has final authority in rendering decisions for all employees, except for those employees who fall under the Office of State Human Resources, employees of the Sheriff's Office and employees of the Register of Deeds Office.



The County Manager may order corrective action or restitution to the individual who has been wrongfully denied, or to direct other suitable corrective action, which may include requirement of payment of any loss of salary, which has resulted from improper personnel action.

## **ARTICLE 8 EMPLOYEE BENEFITS**

### **8.0 Reinstatement of Benefits**

An employee who resigns or retires in good standing or who is separated because of reduction of workforce may be reinstated within one year of the date of separation. An employee who is reinstated shall be credited with previous service and previously accrued unused sick leave and will receive all benefits not expressly identified in other sections of this policy and provided in accordance with this policy.

### **8.1 Group Health Insurance**

The County will strive to make available to all regular, full-time employees medical insurance coverage. A waiting period will be required before the coverage takes effect. The waiting period will extend 30 days from the date of hire and then to the first day of the next calendar month, before the coverage takes effect. The employee may elect to obtain dependent coverage at their own expense through payroll deduction. For regular part-time employees, working at least 20 hours per week, the County shall pay a pro-rata share of the cost, with the employee paying the balance.

### **8.2 Retirement Plan**

All regular employees working in a position requiring a minimum of 1,000 hours during any 12-month period are required to enroll in the North Carolina Local Governmental Employees' Retirement System.

The County will pay the employer's portion and deduct the employee's portion from their pay check at each regular pay-day.

Enrollment is effective upon the employee's first day of employment with the County.



The North Carolina Local Governmental Employees' Retirement System is described in a booklet entitled "Your Retirement Benefits: North Carolina Local Governmental Employees' Retirement System" which is available to all County employees from the Human Resources Office and on-line: <https://www.nctreasurer.com/Retirement-and-Savings/Managing-My-Retirement/Pages/Benefits-Handbooks.aspx>

### **8.3 Special Separation Allowance**

Under specific conditions, a retiring Sworn Law Enforcement Officer may be eligible for a Special Separation Allowance in accordance with North Carolina General Statute 143-166.42.

#### **A. Eligibility Requirements:**

1. Must have completed five (5) years of continuous service as a sworn law enforcement officer immediately preceding your application for retirement; and,
2. Have completed 30 or more years of creditable service, or
3. Have attained 55 years of age and completed five (5) or more years of creditable service; and,
4. Have not attained 62 years of age.

"Creditable Service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer.

#### **B. Benefit Termination:**

Special Separation Allowance payments will stop at the first occurrence of:

1. The retiree's death; or,
2. The last day of the month in which retiree attains 62 years of age; or,
3. The first day that the retiree becomes employed, in any capacity,



by another North Carolina Local Governmental Employees Retirement System employer, except that a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of G.S. 143-166.42.

### **8.4 Training and Educational Incentives**

The County recognizes the need to encourage its employees to acquire job-related training and to further their education through accredited programs and institutions. Therefore, with the prior knowledge and written approval of the County Manager, the County will, if funds are available, provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops which relate directly to the employees' duties and responsibilities with the County. Reimbursement for expenses will be limited to registration fees, reimbursement for use of private vehicle (at the current mileage rate approved by the Board of County Commissioners) and lodging expenses, which must be documented by receipts. Meals will be reimbursed at a per diem rate approved by the Board of County Commissioners. Claims for reimbursement of expenses must be approved by the Department Head and County Manager, before submission to the Finance Director for reimbursement.

If a training program that significantly increases an employee's level of skills results in major expenses for the County, the County may, at its option, require the employee to agree in writing to remain in the County's service for a period of two years after completion of the training program; or, until retiring; or until being involuntarily terminated, whichever occurs first. If the employee fails to do so they will reimburse the County for the costs and expenses associated with the training program.

### **8.5 Workers' Compensation**

Employees are covered by the North Carolina Workers Compensation Act and are required to report all injuries arising out



of and in the course of employment to their immediate supervisors at the time of the injury. **The employee must seek medical attention from the County’s designated Workers Compensation (WC) physician, except when the initial injury/illness requires immediate medical attention from the closest medical provider.**

- A. **Leave Benefits:** An employee absent from work because of a workplace illness or injury covered by the North Carolina Workers Compensation Act may elect to use accrued comp time, flex time, sick or vacation leave for the first seven days of an injury. Workers Compensation does not pay for leave time for the first seven days unless the employee is required by treating authority to be out for at least 21 days (after being absent for 21 days, Workers Compensation will pay the first seven day waiting period). **It will be the employees’ responsibility to notify their Department Head and Human Resources of their decision for the pay period involving the seven-day waiting period. *Timesheets must reflect the decision and be marked WC on the days in which leave is taken.***

In addition to the benefits provided by the Workers’ Compensation law, employees injured on the job as a result of a compensable accident and whose lost time from work shall be provided leave in accordance with the provisions outlined below.

B. **Leave on the Day of the Injury**

No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work in either regular duty or restricted duty.

The employee shall:

1. Obtain a written statement from the physician indicating that the employee must not return to work in either regular duty or restricted duty; and,
2. Present the statement to their supervisor immediately but no later than the next working day.

- C. **Additional Leave:** If the injury results in additional time away from work, the employee must go on workers’ compensation leave and receive the workers’ compensation weekly benefit after the required waiting period required by G.S. 97-28.



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One of the waiting period options listed below must be chosen. Once an election is made, it may not be rescinded for the duration of the claim.

1. Option 1: Elect to take sick or vacation leave during the required seven day waiting period and then begin receiving workers' compensation weekly benefits. If the injury results in disability of more than twenty-one days, as indicated in G.S. 97-28, the workers' compensation weekly benefit shall be allowed from the date of disability.
2. Option 2: Elect to go on workers' compensation leave with no pay for the required waiting period and then begin drawing workers' compensation weekly benefits. If the injury results in disability of more than twenty-one days, as indicated in G.S. 97-28, the workers' compensation weekly benefit shall be allowed from the date of disability.

**D. No Leave Required for Follow-up Medical Visits:** Employees injured on the job in a compensable accident, in order to reach maximum medical improvement, requiring medical or therapy visits during regularly scheduled working hours shall not be charged leave for time lost from work for required treatment provided the employee works during the day of the visit. The employee is expected to be at work prior to the scheduled appointment and return to work at the conclusion of the appointment; except when the appointment is scheduled at the beginning of the work day or at the end of the work day.

**E. Vacation and Sick Leave Credits Continue:** While on workers' compensation leave, the employee shall continue to accumulate vacation and sick leave to be credited to the employee's account for use upon return to regular duty.

**F. Leave Paid if Employee Does Not Return:** If the employee does not return to regular duty from workers' compensation leave, vacation leave accumulated only during the first twelve months of workers' compensation leave will be exhausted by a lump sum





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payment, along with other unused vacation leave which was on hand at the time of the injury; except that no lump sum vacation pay-out shall exceed payment for 240 hours.

- G. Leave in Excess of 240 Hours:** While the employee is on workers' compensation leave and not able to schedule vacation time off, the accumulation may in some cases exceed the 240 hours maximum that can be carried forward. It shall be handled as follows:  
The maximum vacation hours to be carried forward to the next calendar year may not exceed the 240-hour limit. Any hours in excess of the 240 maximum will be converted to the employee's sick leave balance.
- H. Health Insurance:** During the first twelve months while on workers' compensation leave, an employee is in pay status and shall continue to be covered under the County's health insurance program. Premiums for the employee and for any dependent coverage shall be paid as if the employee were still at work.
- I. Retirement Service Credit:** While on workers' compensation leave an employee does not receive retirement credit.  
As a member of the Retirement System, the employee may purchase credits for the period of time on an approved leave of absence. Upon request by the employee, the Retirement System provides a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.
- J. Reinstatement Salary:** Upon reinstatement, an employee's salary shall be computed based on the last salary plus any increase to which entitled. Any performance increase which would have been given had the employee been at work may also be included in the reinstatement salary, or it may be given on any payment date following reinstatement.

### 8.6 401(K) Supplemental Retirement Plan and 457 Plan

In accordance with North Carolina General Statute 143-166.50, Sworn Law Enforcement Officers are eligible for automatic





enrollment in the 401(k) Supplemental Retirement Plan. Each eligible Officer shall have an amount equal to 5 percent of their gross earnings placed in their supplemental Retirement Plan each pay period.

Sworn Law Enforcement Officers and all other regular employees may voluntarily contribute a portion of their pre-taxed salary, up to the established maximum amount, into their personal 401 (k) or 457 Supplemental Retirement Plan.

## 8.7 Health Insurance for Retiring Employees

### **For employees employed before December 18, 2002**

The County will pay the following percentage of the cost of the County's share of the individual health insurance premium based on creditable years of service:

<i>20 or more years</i>	<i>100%</i>
<i>15 years</i>	<i>75%</i>
<i>10 years</i>	<i>50%</i>
<i>Less than 10 years</i>	<i>0%</i>

Years with another organization within the State or Local Government Employees Retirement Systems of North Carolina or another state may be credited towards a retiree's service with the County; however, at least one-half of the service used to meet the thresholds listed above must be with Caswell County.

### **For employees employed after December 18, 2002 but before August 1, 2018**

The County will pay the following percentage of the cost of the County's share of the individual health insurance premium based on creditable years of service:



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***30 or more years at any age = 100% (All service must be with Caswell County)***

***25 years at age 60 = 100% (At least 15 years with Caswell County) 20***

***years at age 60 = 75% (At least 15 years with Caswell County)***

### **For employees employed after August 1, 2018:**

Retire with 30 years’ service in the North Carolina State or Local Government Retirement System with a minimum of ten (10) years continuous Caswell County service immediately preceding retirement. At the time of retirement, the employee must be enrolled in the County’s insurance plan.

100% of Medical Coverage up until age 65 (or qualifying age at which time, the employee will need to submit a Medicare Supplement Application)

**Retire with fewer than 30 years’ service (Including accrued sick leave)**

### **MINIMUM AGE 50 to 59**

Years of Service	Percentage of Year’s/ Employer Rate	EE Rate
20	67%	33%
21	70%	30%
22	73%	27%
23	77%	23%
24	80%	20%
25	83%	17%
26	87%	13%
27	90%	10%
28	93%	7%
29	97%	3%
30	100%	0%

**Retire fewer than 30 years’ service (including accrued sick leave)**

### **MINIMUM AGE 60 to 64**

Minimum of 5 years of service up to 14 years      EE Pays 100%



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Minimum of 15 years' service up to 19 years      EE Pays 33%  
Minimum of 20 years' service & up to 30 years      See age schedule

NOTE: Employee pays full premium for allowable dependents coverage until age 65. New dependents cannot be added at time of or after retirement. Departments must notify the Human Resource (HR) office prior to hiring an employee with prior local or State government experience.

### **For all employees**

Effective upon the adoption date of this manual, the County will continue to offer such coverage until the employee becomes eligible for Medicare, Social Security Disability or the employee is no longer eligible to receive retirement benefits (i.e. works full-time with another local or state government); or, has become employed by any other employer and is eligible to be enrolled and covered by that employer's health care plan, at which time the County will no longer pay any of the premium. Caswell County will determine the premium and the employee's share (if applicable) annually. Retired employees will be responsible for remitting their share of the premium as directed by the County Human Resource Office by the 10<sup>th</sup> of the month for the following month's coverage.

Qualified retirees will receive coverage under and according to the terms of the current County health insurance provider, as renewed annually. Any changes in the health insurance benefits provided or any conditions of the provider that apply to all participants will also apply to all retired employees.

## **ARTICLE 9 LEAVES OF ABSENCE**

### **9.0 Leave Policy**

Caswell County's leave policy is designed to meet two related objectives: to get the County's work done efficiently, and to help the employees who do the work to feel good about themselves and their work. Both of these objectives are best achieved when workers are



healthy, energetic, and positive about what they are doing. Neither of these objectives can be achieved when workers are sick, chronically tired, or preoccupied by stress.

Caswell County's leave policy is designed to enhance the positive factors that help its workers do the County's work well and have a positive spirit, and to minimize the negative factors that interfere with efficient and productive job performance and the personal well-being that goes with it. It is the responsibility of employees and supervisors, working together, to apply this leave policy in a way that insures that Caswell County is a place where high quality workers put in peak performances, and not where people simply go through the motions of their jobs.

### **9.1 Scheduling Work**

The goal of all of our work is to serve the citizens of Caswell County. Work is scheduled in a way that provides effective and efficient service, and that makes County employees accessible to members of the public at convenient times. In meeting this goal, Department Heads and other supervisors who schedule work are empowered to work with individual employees in setting up schedules that may vary from week to week and employee to employee. The criteria in setting up such schedules are efficient performance, accessibility to the public, and sensitivity to employee needs, including family responsibilities. In order to ensure efficient and equitable enforcement of the policy, employee requests regarding scheduling and leave shall be made to the employee's immediate supervisor. Any appeals of decisions adverse to the employee must follow the proper chain of command. If an employee is approved for or granted any Leave of Absence, the Leave of Absence shall not extend beyond twelve (12) months. If the leave extends beyond twelve (12) months the employee will be removed from the County's payroll and all benefits shall cease except as may be lawfully continued.

### **9.2 Holidays Observed**

Caswell County employees will follow the State of North Carolina holiday schedule as set forth each calendar year. The Human Resources Office maintains a current holiday schedule.



Employees working 24/7 positions (Sheriff's Department, EMS, 911 Telecommunication, etc.) shall observe the holidays as they fall during the calendar year. For holidays with multiple days of observance they will be observed as follows:

- **Good Friday:** Employees shall observe Friday
- **Thanksgiving:** Employees shall observe Thanksgiving on Thursday and Friday
- **Christmas:** Employees shall observe Christmas Eve, Christmas Day and the day following Christmas.

### **9.2.1 Effect of Holidays on Other Types of Leave**

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

### **9.3 Vacation Leave – Policy**

Vacation leave shall be used for rest and relaxation, personal leave, for medical appointments, and absences due to sickness when sick leave is exhausted, and for unexcused absences due to adverse weather conditions.

Employees are encouraged, but not required, to request leave during each year to renew their physical and mental capabilities.

#### **9.3.1 Vacation Leave – Accumulation**

All regular and probationary employees of the County shall earn vacation leave. Employees shall be given credit for length of service with the County or with another County or Local agency, which participates in the North Carolina State and/or Local Government Retirement System.

The maximum amount of accumulated leave an employee may have on January 1 of any given year will be 240 hours. Time off by employees using approved leave with pay, or receiving Workers Compensation benefits, shall be counted as time worked for the purpose of earning vacation leave. Employees hired on or before the 15th of the month will earn vacation leave for that month and those



hired after the 15th begin earning vacation leave the following month.

See Appendix M for detailed information regarding Accrual Schedules.

### **9.3.2 Vacation Leave – Use and Reporting**

Vacation leave may be taken as earned by the employee, subject to the approval of the Department Head, except in the case of a probationary employee. New employees earn but may not take vacation leave during their probationary period, except with the approval of the Department Head. If the employee is a Department Head, the County Manager or appropriate Board must approve it.

Under no circumstances shall an employee be paid (“cashed out” or “bought back”) for accumulated or unused vacation leave while still in the employment of the County.

### **9.3.3 Vacation Leave – Payment of Leave Upon Termination of Employment**

Upon termination of employment with the County for whatever reason, an employee must have worked through the 15<sup>th</sup> of the month of termination to earn vacation leave for that month.

Upon submission of a resignation with two weeks’ notice, four weeks’ notice for Department Heads, an employee shall be eligible to be paid for vacation leave accumulated to the date of separation, not to exceed 240 hours. Under exceptional circumstances, the notice period may be waived at the discretion of the appointing authority.

An employee, who is involuntarily separated, as a result of a reduction-in-force, shall be paid for vacation leave accumulated to the date of separation, but not to exceed 240 hours.

For involuntarily separation due to unacceptable personal conduct, accumulated vacation leave may be withheld, given the circumstances of each employee’s case, at the discretion of the County Manager.



### **9.3.4 Vacation Leave – Payment of Vacation Leave Upon Death**

The estate of an employee who dies while employed by the County shall be entitled to payment of all of the accumulated vacation leave credited to the employee’s account not to exceed 240 hours.

## **9.4 Sick Leave – Policy**

Sick leave with pay is a privilege granted by the County for the benefit of the employee when sick or injured. Under extenuating circumstances, the Department Head or County Manager may approve sick leave when tending to an immediate family member (as defined in this manual) or member of the employee’s household who is sick. Sick leave may also be used for medical appointments and exposure to a contagious disease when continuing to work could jeopardize the health of others.

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

### **9.4.1 Sick Leave – Accumulation**

Each regular, trainee, and probationary employee shall earn sick leave at the rate of one day per month. Employees hired on or before the 15th of the month earn sick leave for that month and those hired after the 15th of the month begin earning sick leave the following month.

*See Appendix M for detailed information regarding Accrual Schedules.*

Time taken off by employees using approved paid leave, or time off under Workers Compensation, shall be counted as time worked for the purpose of sick leave accumulation.

There is no maximum accumulation for sick leave. Unused sick leave may be applied toward retirement credit in accordance with the rules and regulations of the NC Governmental Employee’s Retirement System in place at the time of an employee’s retirement. Regular Part-Time employees shall earn sick leave in proportion to hours worked.



Sick Leave earned with another North Carolina County or Local agency may be transferred upon receipt of a letter verifying the sick time balance from the previous employer. It is the employee's responsibility to ensure that prior service verification from their previous employer(s) is received by the Human Resources Office not later than 90 days after their first day of employment. Failure to provide the written verification by the 90<sup>th</sup> day of employment will result in the prior service not being recognized. At the time of the sick leave balance verification, a limit of 240 hours will be credited to the employee's sick leave account. At the conclusion of the employee's second year of employment with Caswell County the remaining sick leave balance will be credited to the employee's sick leave account.

### **9.4.2 Sick Leave – Use and Reporting**

Sick leave must be charged as used. All employees shall be eligible to use sick leave as soon as it is earned.

Employees are required to notify their supervisor as soon as possible if they are unable to be at work because of illness.

### **9.4.3 Sick Leave – Physician's Certification**

For all absences due to illness, or re-occurring extending beyond 24 hours a physician's certificate providing proof that the employee was unable to work due to illness, injury, or illness in the employee's family, may be required. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The County Manager or Department Head has the authority to request the certification.

Failure of an employee to provide requested proof shall constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

### **9.4.4 Sick Leave and Salary Continuation – Smallpox Vaccination Reaction**

- A. If an employee is absent from work for either of the following reasons, then the employee's absence from work shall not count against the employee's sick leave and the employee's salary shall continue during the employee's absence:





1. The employee receives in employment, and has an adverse medical reaction resulting from, vaccination against smallpox pursuant to 42 U.S.C. § 233(p), the Smallpox Countermeasures provisions of the Homeland Security Act; **or**
  2. The employee is permanently or temporarily living in the home of a person who receives in employment vaccination against smallpox pursuant to 42 U.S.C. § 233(p), the Smallpox Countermeasures provision of the Homeland Security Act, and the absence is due to an adverse medical reaction resulting from exposure to the vaccinated person or the need to care for the vaccinated person who suffers from the adverse reaction.
- B. Leave under this section shall not exceed 480 hours.
- C. At any time after the first 24 hours of leave, the County Manager may require the employee to obtain certification from a health care provider justifying the need for continued leave taken pursuant to this section.

#### **9.4.5 Sick Leave – Payment Upon Separation**

Employees will not be paid for any portion of unused sick leave when they leave the employment of the County, for any reason. An employee who is reemployed within one year shall have their unused sick leave balance reinstated.

#### **9.5 Leave Without Pay – Policy**

A regular employee may be granted a leave of absence without pay for up to 6 calendar months (by the County Manager). The employee may elect to use appropriate accrued leave before going on leave without pay status for reasons of personal or family disability or special work that will permit the County to benefit by the experience gained or the work performed. Such leave may be extended for up to 6 calendar months at the convenience of the County.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining their



accumulated vacation leave. The employee must use accrued vacation leave before requesting leave without pay if leave is for vacation purposes. Leave without pay may also be used by the County as a form of disciplinary action.

The employee shall apply in writing to their supervisor. The request shall then go to the Department Head and then to the County Manager for approval for the leave without pay stating the reason for the request. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager. Upon returning to duty after being on leave without pay, all possible efforts will be made to return the employee to the same or similar position held at the time leave was granted, seniority, and pay. Time or leave without pay does not apply to service credit for determining longevity pay or retirement or accruals for sick leave and vacation leave.

If the employee decides not to return to work, the County Manager should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

### **9.5.1 Leave Without Pay – Retention and Continuation of Benefits**

The employee may continue to be eligible for benefits under the County's group health insurance plans, subject to any regulations adopted by the Board of County Commissioners and the regulations of the respective insurance companies.

However, the employee will be responsible for paying individual and dependent coverage premiums monthly to County, except that an employee on approved leave in accordance with the Family and Medical Leave Act, shall continue to have their premiums paid in the same manner as if they were still actively at work.

### **9.6 Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the NC Workers Compensation Act may receive Workers Compensation benefits.



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

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers Compensation Act. (Please see Article 8, Section 5 for detailed information).

### **9.7 Military Leave (See Appendix I)**

Caswell County shall comply with all regulations of the Uniformed Services Employment and Reemployment Rights Act (USERRA) establishing the rights and responsibilities for uniformed service members and their civilian employers.

*See Appendix I for detailed information regarding Military Leave.*

### **9.8 Civil Leave**

Civil leave may be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding relating to their Caswell County employment responsibilities. The employee shall receive their regular pay for such duty during the required absence without charge to accumulated vacation.

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

When an employee's obligation for jury or witness duty ends before the end of that employee's normal workday, the employee is expected to return to work for the remainder of the workday.

While on civil leave, benefits and leave shall accrue as though on regular duty.



**Exception:** An employee who is a principal in private litigation unrelated to the work for the County shall not be entitled to Civil Leave, but may take vacation leave or leave without pay for necessary court appearances with the approval of the supervisor and Department Head for vacation leave and the County Manager for leave without pay.

## 9.9 Educational Leave

The County encourages employees to upgrade their knowledge and skills as they relate to their job. Therefore, educational leave, which is time away from work with pay, may be granted in the following circumstances:

- A. Full-time, regular employees may be granted leave with pay during normal working hours for training in a career related course of instruction to upgrade knowledge and skills. This leave may be granted only when a comparable course is not scheduled after working hours.
- B. Courses taken must be related to the particular job the employee holds, or to equip an employee for a job with the County to which there is a reasonable expectation of promotion. The training may include refresher courses, academic or commercial courses. Courses taken for cultural and personal enrichment are not eligible for educational leave and must be taken after normal working hours at the employee's expense.
- C. Time away from work may not exceed actual time for classroom instruction for one course each semester or quarter, in addition to a reasonable amount of time for travel to and from the location of the course.

To be eligible for the educational leave, the employee shall submit a letter requesting leave to their Supervisor and Department Head, stating the nature and schedule of the course and how it would benefit the employee in their work. The Department Head will forward the request, along with their recommendation, to the County Manager. All educational leave must have the written approval of



the employee's Department Head and final approval by the County Manager.

Since educational leave is an investment by the County in an employee's professional development the employee shall be required to render two years' service time to the County from the conclusion of the approved educational leave. In the event the employee does not satisfy the two-year requirement, the employee shall be responsible for reimbursing the County for a pro-rata share of the total cost of educational leave.

### **9.10 Administrative Leave**

Leave with pay may be authorized by the County Manager for purposes considered to be in the public interest, in cases of civil disturbances, severe weather conditions, or in such other circumstances as good judgment and common practice would dictate.

### **9.11 Petty Leave**

An employee will earn petty leave in accordance with their regular scheduled hours. Hours will be credited to an employee's petty leave balance on January 1 and hours will be credited to an employee's petty leave balance on July 1. An employee may take leave in increments of 15 minutes up to a maximum of 2 hours, with the permission of their Department Head. Any time taken above 2 hours will be charged to vacation, sick, or leave without pay, except if leave is taken for adverse weather, in which event the amount of leave taken may exceed two hours. Petty leave will not be cumulative beyond the end of a calendar year.

*See Appendix M for detailed information regarding Accrual Schedules.*

### **9.12 Bereavement Leave**

Each employee of the County shall be entitled to bereavement leave. In the event of a death in the immediate family (as defined in this manual, plus the surviving parent of a minor child by marriage who has lost the other parent) an employee shall be entitled to take as many as 24 hours bereavement leave. Bereavement leave must be



taken no later than 5 days after the funeral. The employee shall be compensated at their regular rate of pay for this leave time. In cases not covered by this policy, the employee may take sick or vacation leave, with approval of the supervisor. Any other request for bereavement leave not covered by this policy must be approved by the Board of Commissioners.

### **9.13 Adverse Weather Conditions**

County offices shall remain open for the full scheduled workday unless authorization for early closing or other deviation is given by the County Manager. All employees will receive, when possible, advance notice of any authorized early closing. Employees who, of their own volition, leave work before an official early closing time has been announced will be required to use earned vacation, petty leave, or compensatory time for all unauthorized time taken.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as soon as possible after the normal workday begins. The employee must charge time away from work during adverse weather to vacation, petty leave, or compensatory time unless other specific arrangements are made with the County Manager. The County Manager has the authority to alter the regular business day in the event of severe weather conditions.

*See Appendix K for detailed information regarding Inclement Weather.*

### **9.14 Summary of Family and Medical Leave Act (FMLA – See Appendix A)**

FMLA is a federal law that entitles eligible employees to take job-protected, unpaid leave for specific, qualifying personal, family and/or military support needs. Eligible employees are entitled to job restoration rights and maintenance of group health care coverage while absent from work due to an event defined as a qualifying reason under the Family Medical Leave Act. An eligible employee's health benefits must be maintained during any period of leave under the same conditions as if he or she continued to work and he or she must be reinstated to the same or an equivalent job with the same



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pay, benefits, and terms and conditions of employment upon returning from leave.

### FMLA Leave Administrative Guidelines:

A. Eligible Employee: An eligible employee is an employee who has completed:

1. A total of twelve (12) months of employment with the County (not necessarily consecutive months), without a break in service that exceeds seven years, unless the break in service was due to the employee fulfilling their National Guard or Reserve military service obligations and
2. At least 1,250 compensable service hours during the consecutive twelve (12) month period preceding the commencement of leave. Military leave counts as hours worked.

B. Qualifying Reasons Covered Under the Act:

Eligible employees are entitled to Family Medical Leave for any of the following reasons, defined as “qualifying reasons”:

1. Birth of the employee’s son or daughter and to care for the newborn child.
2. Adoption of a son or daughter by the employee or placement of a son or daughter with the employee and to care for the newly adopted or placed child.
3. Serious health condition of the employee which makes the employee unable to perform one or more of the essential functions of their job.
4. Serious health condition of the employee’s qualifying family member. Qualifying family members are the employee’s spouse, son, daughter or parent.
5. A qualifying exigency as defined in this policy.
6. To care for a covered service member with a serious injury or illness sustained while on active duty.

### **9.15 Shared Leave**

In cases of serious or prolonged medical conditions, an employee





may apply for or be nominated to become a recipient of leave transferred from the vacation or sick accounts of another employee.

*See Appendix L for detailed information regarding shared leave*

## **ARTICLE 10 POSITION CLASSIFICATION AND PAY PLAN**

### **10.0 Policy Statement**

Each regular position with the County shall be classified into a standard class within the County’s official position classification and pay plan. Positions will be grouped into classes in such a way that the positions included in each class are sufficiently similar in duties and responsibilities to warrant similar treatment in personnel and pay administration.

### **10.1 Adoption of Position Classification Plan**

The position classification and pay plan is adopted by the Board of County Commissioners and can be amended only by action of the Board.

### **10.2 Allocations of Classes to Salary Grades**

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

### **10.3 Use of Class Titles**

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

### **10.4 Administration of the Position Classification and Pay Plan**

The County Manager, or designee, shall be responsible for administration and maintenance of the position classification and pay plan so that it will accurately reflect the duties performed by





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employees in the classes to which their positions are allocated. New positions shall be established only with the approval of the Board of County Commissioners after which the County Manager shall either (1) allocate the new position to the appropriate class within the existing classification plan; or (2) recommend that the Board of County Commissioners amend the position classification and pay plan to establish a new class to which the new position may be allocated.

Department Heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions; and (2) material changes in the nature of duties, responsibilities, working conditions or other factors affecting the classification of any existing positions.

Department Heads shall present to the County Manager written justification for why there should be a change in position classification. In the case of a new position or a vacant position where duties have or will change, the justification should include the proposed changes in duties and responsibilities. In the case of an occupied position, the request shall reflect changes in assigned duties and responsibilities.

The Department Head's written justification should be detailed and specific enough for the County Manager to make determination regarding further study.

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



#### **10.4.1 Pay Administration**

The pay of County employees shall be administered in a fair and systematic manner in accordance with work performed. The County shall have a pay structure that is externally competitive, that maintains proper internal relationships among all positions based on relative level of duties and responsibilities, and that recognize performance levels as the basis for pay increased within the established pay ranges. The program shall provide for effective control of pay of a uniform basis, shall permit decentralization of pay decisions while maintaining appropriate control, and shall assure each employee periodic performance appraisals and pay reviews.

The schedule of salary ranges and class titles assigned to salary ranges shall be approved by the Board of County Commissioners.

#### **10.5 Use of Salary Ranges**

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

The appointing authority may set hiring salaries between the minimum and midpoint of the salary range, subject to the approval of the Human Resources Director. Hiring salaries will be based on such factors as the years relevant experience, qualifications of the applicant being higher than the minimum education and training for the class, a shortage of qualified applicants available and the refusal of qualified applicants to accept employment at the offered salary. Except in cases of employees in training status, no employee shall be hired at rate below the hiring rate minimum for the assigned grade. Recommended hiring rates above the midpoint of the salary range will require approval of the County Manager in advance of an offering being made.

When an employee reaches the last step maximum in their pay grade, the employee will no longer be eligible for step increases an increase in annual salary. Any across the-board increase subsequently approved will still be granted to the employee. may be awarded to the employee as a one-time bonus which is determined as part of the annual adoption of the Pay and Classification Plan.



## **10.0 The Pay Scale**

The pay scale shall be a fixed-step, integrated scale with sufficient pay grades to adequately compensate the employees covered by the position classification and pay plan. All employees must be paid at least the Federal or state's hourly minimum wage, whichever is greater.

Adjustments to the pay scale will be done in conjunction with the annual budget process and reflected in the adopted Pay and Classification Ordinance.

## **10.1 Salary Upon Completion of Probationary Period - Removed**

### **10.1.1 Salary Upon Reinstatement**

When an employee is reinstated in a position of the same class after separation from the County of not more than one (1) year, and when the separation was not due to discreditable circumstances, the employee may receive at least the same rate of pay as at the time of separation.

### **10.1.2 Salary After Lateral Transfer**

A Lateral Transfer is the movement of an employee from one position to another position in the same salary grade. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the County Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy.

### **10.1.3. Salary Upon Promotion**

An employee who is promoted shall receive a minimum salary adjustment of 5 percent if moving one grade higher; 10 percent if two grades higher or more or to the minimum of the new higher



grade. *or 4%*, whichever is higher. If the employee's previous experience warrants, the salary may be adjusted, with the recommendation of the appointing authority, and approval of the County Manager. In some cases, a promotion represents a

significant change in the nature of work and an immediate salary increase may not be appropriate or equitable. In these cases, the appointing authority shall consult with the Human Resources Director and County Manager regarding a salary increase, upon promotion, that does not provide the above-stated increase.

### **10.7.4 Salary Upon Demotion**

When an employee has been demoted and the employee's current salary is above the maximum range for the lower class, the salary shall be reduced at least to the maximum of the lower range. If the employee's current salary falls within the range of the lower class, it may be reduced to any salary in the lower range or remain the same.

## **10.2 Payment for Temporary Assignment**

When the necessity arises for an employee to temporarily assume the responsibility of another position in a class recognized at a higher grade for a period of more than 30 calendar days, the employee shall be compensated for the entire period of the temporary assignment at the higher of: 5 percent of current salary for one pay grade higher or 10 percent for two pay grades higher or the minimum range of the temporary assignment salary grade range. In such cases increased payment shall be approved by the County Manager. The employees pay will return to their previous pay upon the position to which the employee was temporarily assigned when filled. If any pay increases were awarded during the temporary assignment, the employee's previous pay will be adjusted by such increase.

## **10.3 Trainee Status**

Subject to the approval of the County Manager, persons may be employed as trainees in positions for which the County is unable to recruit experienced and qualified applicants. Such employees may be compensated at a maximum of 2 grades (10 percent) below the hiring rate for the class for which they are training. Upon completion of the trainee period, employees shall be increased to the regular rate



of pay.

#### **10.4 Pay for Part-Time Work**

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

#### **10.5 Reporting Work Time**

County employees shall keep a true and accurate record of their time worked and shall keep such recorded time on the County's monthly time sheet. After the time sheet has been completed, signed by the employee and approved by the department, it shall be submitted to the Finance Office no later than the fifth work day of the following month.

In accordance with the Fair Labor Standards Act, Caswell County shall keep the following employee information:

- A. A record of their hours worked,
- B. Compensatory time earned or taken,
- C. Vacation and sick leave earned or taken,
- D. Holiday and personal leave earned or taken,
- E. Workers' Compensation leave,
- F. Family and Medical Leave Act leave taken,
- G. Leave without Pay,
- H. Civil Leave taken,
- I. Educational leave taken.

#### **10.6 Preparation of Payroll**

All payrolls shall be prepared by the Finance Office from time sheets approved by the appropriate supervisors. Paychecks shall be direct deposited on the 4<sup>th</sup> Friday of each month. If Friday falls on an official County holiday, paychecks will be direct deposited no later than the last regular work day prior to the holiday.

##### **10.6.1 Payroll Deductions**

The Finance Office is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, and for employee group insurance premiums. With the authorization of the employee, the



Finance Office may also make payroll deductions for United Way, credit union payments, and other deductions for County approved programs. Individual deductions requested by the employee for other than qualified programs shall be made only with the approval of the County Manager.

### **10.7 Termination Pay**

Upon termination of employment, an employee shall be paid for time worked in the most recent pay period and, with proper notice, for unused vacation leave up to a maximum of 240 hours, less any deductions for debts outstanding against the County. Such payment shall be made at the regular pay time. No special checks will be written for termination pay. No sick leave or petty leave shall be paid upon termination of employment. The Finance Office shall deduct and withhold from the final paycheck any amount owed the County, such as group insurance premiums or advance leave, in accordance with Federal and State laws regarding the withholding of wages. The final payment for unused vacation leave will be made in the employee's last paycheck or the next payroll date.

### **10.8 Longevity Pay**

Longevity pay is to recognize continuous service of regular, full-time and part-time employees. Longevity pay is an automatic, annual payment, made in a lump sum in December, subject to availability of funds, to employees who meet the eligibility requirements on December 1 of each year. If an employee retires, resigns, dies, or is otherwise separated on or after December 1, the payment shall be made to the employee or to the estate, if deceased.

Annual longevity amounts are based on the length of County service and a percentage of the employee's annual rate of base pay on December 1. Longevity pay amounts may be computed by multiplying the employee's base pay rate by the appropriate percentage from the table below. Salary increases effective December 1 shall be incorporated in the base pay before computing longevity pay.



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<b><u>Years of Continuous County Service</u></b>	<b><u>Longevity Pay Rate</u></b>
5 years but less than 10	1%
10 years but less than 15	2%
15 years but less than 20	3%
20 or more years	4%



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To be eligible to receive longevity pay the employee must meet the following requirements:

- A. An employee must have served 5 or more years of regular employment with the County;
- B. The employee must be working in a regular full-time or regular part-time budgeted position;
- C. Credit for the service requirement shall not be given for temporary full-time/part-time employment. Periods of leave without pay in excess of one-half the workdays in a month, with the exception of military leave and worker's compensation leave, will not count toward service credits;
- D. County service is the time for regular, trainee, and probationary employment. If an employee is in pay status through working, using annual or sick leave, receiving Workers' Compensation, or on authorized military leave for one-half or more of the regularly scheduled workdays in a month, credit shall be given toward qualifying services;
- E. If an employee leaves the employment of the County, the employee is ineligible for continued longevity pay. If an employee returns to regular service within one (1) year, the service time the employee originally earned shall be retained and computed with the service time earned after the employee's return.
- F. Payment is to be made on the date as determined by the County Manager or Board of Commissioners and Payroll Administrator.

The Human Resources and Finance staff shall be responsible for determining and certifying the length of qualifying service of each employee and for initiating the necessary steps for payment.





## ARTICLE 11 PERSONNEL RECORDS

### 11.0 Personnel Records Maintenance

The Human Resources Director is responsible for maintaining such personnel records as are necessary for the proper administration of the personnel system. In compliance with GS 153A-98(b), the following information, with respect to each County employee, is a matter of public record:

- A. Name.
- B. Age.
- C. Date of original employment or appointment to the service.
- D. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession.
- E. Current position.
- F. Title.
- G. Current salary.
- H. Date and amount of each increase or decrease in salary with the County.
- I. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the County.
- J. Date and general description of the reasons for each promotion with the County.
- K. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary



action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal.

- L. The office to which the employee is currently assigned.

The term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the County.

### **11.1 Access to Personnel Records**

As required by North Carolina General Statutes 153A-98 and 132-6, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying, during the regular business hours, subject to such rules for the safekeeping of public records as the Board of County Commissioners may adopt. Access to such information shall be governed by the following provisions:

- A. Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- B. An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.
- C. Any person denied access to any record should have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

### **11.2 Confidential Information**

All information contained in a County employee's personnel file, other than information listed in section 1 of this article will be maintained as confidential in accordance with the requirement of General Statute 153A and shall be open to public inspection only in the following instance:

- A. The employee or their duly authorized agent may examine all portions of their personnel file, except (1) letters of reference solicited prior to the employment and (2) information



concerning a medical disability, mental or physical, that a prudent physician would not divulge to their patient.

- B. A licensed physician designated in writing by the employee may examine the employee's personnel file and medical record.
- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of any agency of the state or federal government, or any political, subdivision of the State, may inspect any portion of a personnel file when such information deemed by the County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- F. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- G. A record shall be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor).

### **11.3 Records of Former Employees**

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

### **11.4 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 he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.



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

General Statute 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.

#### **11.5.1 Penalty for Examining/Copying Confidential Material without Authorization**

General Statute 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 \$500.

### **11.6 Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with General Statute 121-5, without the consent of the NC Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than \$10 and no more than \$500 as provided by General Statute 132-3

## **ARTICLE 12 IMPLEMENTATION OF PERSONNEL POLICY**

### **12.0 Conflicting Personnel Policies Repealed**

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

### **12.1 Severability**

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



### 12.2 Violations of Personnel Policy Provision

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

### 12.3 Amendments

Amendments to these personnel policies may be recommended by the County Manager and shall be subject to approval by the Board of County Commissioners.

### Summary of Policy Revisions

Effective Date	Section(s) Revised	Author
1/1/2024	Section 10.6 The Pay Scale: Replaced by Pay & Classification Ordinance	Human Resources
1/1/2024	Section 10.7 Salary Upon Completion of Probationary Period: Eliminated hiring range	Human Resources
1/1/2024	10.5 Use of Salary Ranges: Clarifying setting of hiring salaries	Human Resources
1/1/2024	10.7.1 Salary Upon Reinstatement Modify Salary upon reinstatement	Human Resources
1/1/2024	10.7.3 Salary after promotion Modify salary upon promotion	Human Resources
1/1/2024	10.8 Payment for Temporary Assignment Pay for temporary assignments	Human Resources
1/1/2024	10.12 Preparation of Payroll Updated pay frequency from monthly to bi- weekly	Human Resources
1/1/2024	Appendix N Updated pay frequency from monthly to bi- weekly	Human Resources
1/1/2024	Removed Appendix O: Replaced by Pay & Classification Ordinance	Human Resources



## **APPENDIX A. FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act (FMLA) is a federal law that entitles eligible employees to take job-protected, unpaid leave for specific, qualifying personal, family and/or military support needs. Eligible employees are entitled to job restoration rights and maintenance of group health care coverage while absent from work due to an event defined as a qualifying reason under the Family Medical Leave Act.

An eligible employee's health benefits must be maintained during any period of leave under the same conditions as if he or she continued to work and he or she must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon returning from leave.

### **FMLA Leave Administrative Guidelines:**

#### **Eligible Employee**

An eligible employee is an employee who has completed:

A. A total of twelve (12) months of employment with Caswell County (the County) (not necessarily consecutive months), without a break in service that exceeds seven years, unless the break in service was due to the employee fulfilling their National Guard or Reserve military service obligations,

And;

B. At least 1,250 compensable service hours during the consecutive twelve (12) month period immediately preceding the commencement of leave. Military leave counts as hours worked.

#### **Qualifying Reasons Covered Under the Act**

Eligible employees are entitled to Family and Medical Leave for any of the following reasons, defined as “qualifying reasons”:

A. Birth of the employee's son or daughter and to care for the newborn child.



B. Adoption of a son or daughter by the employee or placement of a son or daughter with the employee and to care for the newly adopted or placed child.

C. Serious health condition of the employee which makes the employee unable to perform one or more of the essential functions of their job.

D. Serious health condition of the employee's qualifying family member. Qualifying family members are the employee's spouse, son, daughter or parent.

E. A qualifying exigency as defined in this policy.

F. To care for a covered service member with a serious injury or illness sustained while on active duty.

### **Details Regarding Qualifying Reasons**

#### **A. Birth**

Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

1. Both the mother and the father are entitled to FMLA leave to be with the healthy newborn child (i.e. bonding time).
2. An employee's entitlement to leave for a birth expires at the end of the 12-month period beginning on the date of the birth.
3. An eligible employee may use FMLA leave intermittently or on a reduced schedule after the birth to be with a healthy newborn child only if the employer agrees; otherwise the leave must be all taken at once.
4. A husband and wife who are both employed by The County are limited to a combined total of 12 weeks of leave to care for a healthy newborn child unless one spouse is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.



5. A husband and wife, who are both eligible employees, are each entitled to 12 weeks to care for a newborn child with a serious health condition.
6. A mother is entitled to FMLA leave for incapacity due to pregnancy, prenatal care, or her own serious health condition. Circumstances may require that FMLA leave begin before the date of birth, for example, for prenatal care. The mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive days; for example, due to severe morning sickness. Note: FMLA leave used before birth reduces the amount of FMLA leave available after the birth. Total entitlement is still 12 workweeks combined for all qualifying reasons excluding the use of FMLA leave to care for an injured service member.
7. A father is eligible for FMLA leave to care for his pregnant spouse during her prenatal period or if she is incapacitated, or if needed to care for her following the birth of a child if she has a serious health condition.

### **B. Adoption or Placement of a Child**

Eligible employees are entitled to FMLA leave for the adoption or placement for foster care of a son or daughter as follows:

1. An employee's entitlement to leave expires at the end of the 12-month period beginning on the date of the adoption or placement.
2. However, FMLA leave before the actual adoption or placement may be required. Absences before or after the adoption or placement of a child qualify as FMLA leave as long as the absences are associated with the adoption or placement activities.
3. A husband and wife who are both employed by The County are limited to a combined total of 12 weeks of leave to care for a healthy newly adopted or placed child unless one spouse





is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.

4. A husband and wife are entitled to 12 workweeks each to care for an adopted or foster child with a serious health condition.
5. An eligible employee may use intermittent or reduced schedule leave after the adoption or placement to be with a healthy adopted or foster child only if the employer agrees; otherwise the leave must be taken all at once.

### **C. Serious Health Condition of the Employee**

An employee is eligible for FMLA leave due to their own serious health condition.

1. A serious health condition as defined in the Family and Medical Leave Act means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.
2. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility.
3. Continuing treatment includes one or more of the following: A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times, within 30 days of the first day of incapacity (absent extenuating circumstances) by a health care provider (or nurse under the direct supervision of a health care provider, or by a provider under orders of or on referral by a health care provider; example: physical therapist). Treatment means an in-person visit to a health care provider. The first or only treatment visit must take place within seven days of the first day of incapacity. A period of



incapacity due to pregnancy or prenatal care is considered a serious health condition.

4. Chronic conditions, meaning a condition that requires periodic visits at least twice per year for treatment by a health care provider. The condition continues over an extended period of time and may cause episodic rather than a continuing period of incapacity.

Examples: asthma, diabetes, epilepsy, etc.

5. Permanent or long-term conditions for which the employee or their qualifying family member is under the continuing supervision of a health care provider, but may not be receiving active treatment due to treatment not being effective.
6. Conditions requiring multiple treatments.
7. Restorative surgery after an accident or other injury.

### **D. Serious Health Condition of the Employee's Qualifying Family Member**

1. An employee is eligible for FMLA leave when he or she is needed to care for a qualifying family member (spouse, son, daughter or parent) with a serious health condition when the family member is incapable of self-care.
2. "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of daily living activities or instrumental activities of daily living. Examples of daily living activities are: grooming, hygiene care, bathing, dressing and eating. Examples of instrumental activities of daily living are: cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephone, using a post office, etc.

### **E. Qualifying Exigency FMLA leave**



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1. An employee with a “qualifying exigency” may qualify for up to 12 workweeks of unpaid FMLA leave. A “qualifying exigency” may arise when a qualifying family member (spouse, son, daughter or parent of the employee) is in the (i) National Guard; (ii) the military reserves; or (iii) who is retired military personnel, and who has been notified of an impending call or order to active duty in support of a contingency operation. It does not apply to regular armed forces duty and it does not apply to monthly or other regularly-scheduled training.
2. The types of events that constitute qualifying exigencies are: Short-notice deployment – To address issues that arise when a covered military member is notified of an impending call or order to active duty seven or fewer calendar days prior to the deployment date. Military events and related activities – To attend an official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty of a covered military member. Childcare and school activities – To arrange for alternative childcare when the active duty or call to active duty necessitates a change in the existing childcare arrangement. To provide childcare on an urgent immediate need basis (not on a routine, regular, or everyday basis). To enroll in or transfer children of a covered military member into school. To attend meetings with staff at a school or daycare facility (disciplinary measures, parent teacher conferences, meetings with counselors). Financial and legal arrangements – To make or update financial or legal arrangements to address the covered military member’s absence. To act as the covered military member’s representative for the purposes of obtaining, arranging or appealing military service benefits. Counseling – To attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered member provided that the need for counseling arises from the active duty or call to active duty of the military member. Rest and recuperation – To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Post-



deployment activities – To attend arrival ceremonies, reintegration briefings and events, and other official ceremonies and events sponsored by the military. To address issues that arise from the death of a covered service member while on active duty status. Additional activities – To address other events that arise out of a covered military member’s active duty or call to active duty status provided that the employee and employer agree that such leave shall qualify as an exigency and agree to both the timing and duration of the leave.

### **E. Military Caregiver Leave**

An employee who is the spouse, son, daughter, parent or next of kin of a “covered service member” may be eligible for up to 26 workweeks of unpaid FLMA leave to care for the covered service member. The need for care includes both physical and psychological leave.

A covered service member is defined by the FMLA as a current member of the Armed Forces, including the National Guard or Reserves or a member of the National Guard or Reserves on the temporary disability retired list, who is undergoing medical treatment, recuperation or therapy, or who has suffered a serious injury or illness in the line of duty that may render the member medically unfit to perform the duties of their office, grade, rank, or rating and/or is on outpatient status or on a temporary disability retired list for a serious injury or illness.

Next of kin is defined as the nearest blood relative other than the covered service member’s spouse, son, daughter, or parent in the following order of priority: blood relatives who have been granted legal custody, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the service member has designated another blood relative in writing as their next of kin. When there are multiple family members with the same level of relationship to the service member (example brothers and sisters) all of them are considered



next of kin and all of them may take FMLA leave to provide care, either consecutively or simultaneously.

Military Caregiver Leave is applied on a per-covered service member, per-injury basis. This means that an eligible employee could be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different service member or the same service member with a subsequent injury or illness. However, no more than one 26-week leave can be taken in the same 12-month period.

The combined total entitlement for all forms of FMLA when used during the same 12-month period in which military caregiver leave is also being used is 26 workweeks.

A husband and wife, who are both eligible employees, are both limited to a combined total of 26 workweeks of leave during the 12-month period in which FMLA leave is taken to care for an injured service member.

### **Leave Entitlement Up to 12 workweeks**

FMLA leave entitlement for the birth, adoption or placement of a child; serious health condition of the employee or the employee's qualifying family member; or due to a qualifying exigency is limited to a total of 12 workweeks of leave during The County's designated 12-month looking forward period.

### **Leave Entitlement Up to 26 workweeks**

Leave entitlement to care for an injured service member is up to 26 workweeks in a single 12-month period that begins on the first day the leave is taken and ends 12 months later. Therefore, FMLA leave to care for an injured service member is not on a rolling calendar; it is designated on a forward basis as of the first date the leave is taken.

### **Pay While on FMLA**

Leave taken under FMLA leave is unpaid. The regulations permit The County to require employees to substitute accrued paid leave for



unpaid FMLA leave and The County does require use of accrued sick leave when an eligible employee takes FMLA leave due to a serious health condition as defined in the Act. The term “substitute” means that the unpaid FMLA leave will run concurrently with paid leave provided by The County, and accrued per the established policy.

### **Concurrent use of FMLA Leave and Other Leaves**

**Sick Leave:** The County requires concurrent use of accrued paid sick leave when an employee is on FMLA leave due to a qualifying reason that meets any one of the definitions of a serious health condition. The serious health condition may be the employee’s own, that of a qualifying family member (spouse, son, daughter or parent), or a covered qualifying service member.

**Vacation Leave:** An employee may elect to use accrued vacation leave only when the employee is on FMLA leave for a qualifying reason that is not considered a serious health condition or only after accrued sick leave has been exhausted.

**Workers’ Compensation:** When an employee has a serious health condition resulting from an injury that occurred in the course of employment, i.e. workers’ compensation, The County will run unpaid FMLA leave concurrent with the paid workers’ compensation benefit. The County may not require employees to use accrued, paid leaves (such as accrued sick leave or accrued vacation leave) while simultaneously using a paid disability benefit. If an employee is on workers’ compensation and returns to a “light duty” job or assignment, the hours worked while on “light duty” do not count against the employees FMLA leave entitlement.

**FMLA Leave During Weeks with a Holiday:** When an employee is using FMLA leave in weekly increments, and there is a holiday in a week that the employee is out on leave, the entire week is counted as FMLA. If an employee is using FMLA in increments less than a week, the holiday is not counted toward the employee’s FMLA



entitlement unless the employee normally works holidays and did not work that holiday because he or she was using FMLA leave.

### **Family Medical Leave Administration**

#### **FMLA Accounting Measurements**

The overarching measure of FMLA is in terms of “workweeks”. The employee’s actual workweek is the basis for leave entitlement.

When an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata basis. For example, assuming a qualifying reason that is not due to a need to care for an injured service member, if an employee has a scheduled workweek of 30 hours per week, their FMLA entitlement is 12 workweeks times 30 hours which is 360 hours per the designated 12-month period. Compensatory and Flex Time cannot be used concurrently when administering FMLA accounting measures.

#### **Intermittent or Reduced Schedule Leaves**

FMLA leave can be taken intermittently or on a reduced work schedule if there is a medical need. Intermittent leave is taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule reduces an employee’s usual number of working hours per workweek, or hours per workday.

A reduced schedule is a change in the employee’s schedule for a period of time. When an employee takes a leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee’s leave entitlement. If leave is used intermittently or on a reduced schedule, The County reserves the right to temporarily transfer the employee to another position for which the employee is qualified, and which better accommodates recurring periods of leave.

#### **Calculation of the 12-month Periods**





The County’s designated 12-month period is a 12-month looking forward period. With the exception of leave to care for an injured service member, 12-month looking forward period is used to track FMLA hours used. The 12-month looking forward period is measured forward from each date an employee requests FMLA leave.

When FMLA leave is used to provide care for a covered service member, i.e. Military Caregiver Leave, the time taken for such leave shall be calculated on a forward basis beginning on the first date that the leave is taken to care for the covered service member and ending 12 months from the first date of use.

### **Employee Responsibilities**

A. When an employee requests FMLA leave, he or she is not required to expressly mention FMLA; however, the employee must provide sufficient information as to allow The County the ability to determine whether the leave qualifies. The employee also has a responsibility to respond to The County’s questions designed to determine whether an absence qualifies as FMLA leave.

B. An employee must inform their supervisor thirty (30) days in advance of the qualifying reason for a foreseeable FMLA absence or tardiness and may be required to submit applicable certification within a specified time period.

C. For an emergency FMLA absence or tardiness, the employee must inform their supervisor of the qualifying reason as soon as practicable after learning of the need for leave (and, if requested, verify the reason within a specified time period). “As soon as practicable” means as soon as both possible and practical, taking into account all of the facts and circumstances.

D. For an extension of requested leave, the employee must inform their supervisor of the qualifying reason for extension as soon as practicable.





E. If the leave is based on planned medical treatment, an employee must make reasonable efforts to schedule the treatment so as not to disrupt The County's operations, subject to the approval of the health care provider. If recurring periods of leave are needed, The County may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits.

F. An employee is required to submit a certification upon request from their supervisor. The certification is at the employee's expense and must be submitted to The County no later than 15 calendar days after the request for leave. A simple doctor's statement is not sufficient under this policy. Any period of absence that does not meet an FMLA qualifying event may result in disciplinary action.

G. The employee must give their supervisor reasonable notice (i.e. within two (2) business days) of their ability to return to work. Any absence not meeting the FMLA employee notice or certification requirements is subject to The County's attendance policy, without protection of this Policy or FMLA provisions and could result in disciplinary action.

### **Employer Responsibilities**

#### Maintenance of Group Health Care Benefits

- A. The County will maintain group health coverage for the duration of the FMLA leave and under the condition's coverage would have been provided if the employee had remained in active service. Employees must continue to pay the employee's share of the total health care premium.
- B. If the employee fails to pay their share of the premium, The County will provide written notice stating that coverage will be canceled unless the premium is paid by a specified date.
- C. Upon reinstatement, the employee will be restored to coverage under all employee benefit plans in which he/she was participating in the last regular job held prior to the FMLA



leave, unless the employee has changed their election. Cancellation for nonpayment of premiums during FMLA leave does not affect restoration of benefits, but will result in nonpayment of claims incurred during the time that required employee contribution were not paid.

- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to maintenance of group health care coverage will cease upon effective date of layoff. The employee may qualify for medical coverage under COBRA.

### **Job Restoration**

- A. If an employee is capable of performing all essential functions of their last regular job, The County will return the employee to their last regular job or to an equivalent position with equivalent employment benefits, pay and other terms and conditions. Refusals of an offer of reinstatement will be treated as a voluntary resignation.
- B. If the employee is unable to perform the essential functions of their last regular position at the end of the FMLA leave due to a disability, as defined by the Americans with Disabilities Act, The County will investigate reasonable accommodations.
- C. An employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.
- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to job restoration as dictated by FMLA regulations will cease upon the effective date of layoff. The employee may apply for other vacant positions.

### **Employer Notifications**



The County is responsible for properly notifying and designating FMLA leave requests. When an employee requests FMLA leave or when a supervisor or any other department administrator acquires knowledge that an employee may have a need for leave due to any one of the FMLA qualifying reasons, The County must notify the employee of their eligibility to take FMLA leave.

### A. Requirements of Notice of FMLA Eligibility and Notice of FMLA Designation

1. Five (5) business days: When a supervisor becomes aware of a potential need or potential request for FMLA leave, the supervisor must respond to the employee within five (5) business days from the request or if the leave was unforeseeable within five (5) days of the event, absent extenuating circumstances.

The designation may initially be done orally and should subsequently be followed up in writing. If the employee is already absent, notice should be sent to the employee's home address on record.

2. FMLA eligibility: The content of the notice must specifically state if the employee is or is not eligible for FMLA leave. If the supervisor does not know, he or she may provisionally grant FMLA leave conditioned on certification or verification.
3. State a reason: If the employee is not eligible, the supervisor must provide at least one reason why the employee is not eligible. Common reasons why an employee is not eligible are: the employee does not meet the twelve months length of employment eligibility requirement or the requirement to have worked 1,250 hours over the previous twelve months; or the employee may have exhausted their annual FMLA leave entitlement; or the event is not a qualifying event; or the family



- member is not a qualifying family member. There may be other reasons. Those listed are the most common reasons.
4. Amount of leave: The supervisor must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement.
  5. Fitness-for-duty: If the employee is required to have a Fitness-For-Duty evaluation (FFD) prior to being able to return to work, the supervisor must state that requirement when the FMLA leave is designated and the FFD certification may only be with regard to the particular health condition that caused the employee's need for FMLA leave. In addition, this requirement must be uniformly applied for similar-situated employees (i.e. same job function). If there is a requirement that the FFD addresses the employee's ability to perform the essential functions of the employee's position, the supervisor must include a list of the essential functions of the employee's position with the FMLA designation notice.
  6. Medical Certification: Supervisors may request medical certification or other forms of leave verification; however, the request must be made in writing.
    - a) In the event that the Supervisor did not request certification when the leave was designated, the Supervisor may make the request for certification at a later date. The employee has 15 calendar days to comply with the Supervisor's request, unless it is not practicable under the particular circumstances.
    - b) The employee must provide a complete and sufficient certification when a medical certification is requested by Human Resources. If the Human Resources deems the certification to be incomplete and insufficient, the HR Director must advise the employee of such and state in writing what additional information is necessary to make the certification complete and sufficient. Additionally, the employee has seven (7)



calendar days to re-submit a complete and sufficient certification. “Incomplete” means one or more of the applicable entries have not been completed. “Insufficient” means the information provided is vague, ambiguous, or non-responsive.

- c) Employers may not ask the health care provider for additional information beyond that required.
- d) For the purposes of Military Caregiver Leave medical certifications may be obtained from any one of the following health care providers: United States Department of Defense, United States Department of Veteran Affairs, or a Department of Defense authorized, private network or non-network TRICARE provider.
- e) The employee bears the cost of certifications. The County may require verification of family relationship.

### B. Clarification and authentication of medical certifications

“Authentication” means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document.

“Clarification” means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. No additional medical information may be requested.

1. If an employee submits a complete and sufficient certification signed by the health care provider, the Supervisor may not request additional information from the health care provider. However, the Supervisor may contact the health care provider for clarification or authentication after giving the employee (7) calendar days to correct any deficiencies.



2. To make such contact, the Supervisor must use a healthcare provider, human resources professional, a leave administrator, or a management official. Under no circumstance may the employee's direct supervisor contact the employee's health care provider; 29 CFR § 825.307.
3. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the Supervisor. The employee may provide this authorization, release, or waiver allowing the Supervisor to communicate directly with the health care provider. The Supervisor may not require the employee to provide such an authorization, release, or waiver. It remains the employee's responsibility to provide the Supervisor with a complete and sufficient certification. Failure to do so may result in the denial of FMLA leave.

### **Recertification**

The County may request recertification no more often than every 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, the Supervisor must wait until that minimum duration expires before requesting recertification, unless the employee requests an extension of leave, or circumstances described by the previous certification have changed significantly, or if the Supervisor receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. In all cases, a Supervisor may request a recertification of a medical condition every six months.

### **Other Departmental Requirements**

The County is required to provide written notice of other specific expectations and obligations of the employee such as the Supervisor's procedures regarding calling-in to update an absence.

### **Retroactive Designation**



Retroactive designation is permitted if the lack of timely notice, within five (5) business days, does not cause harm or injury to the employee.

### **Second and Third Opinions**

The County may require the employee to obtain a second or third opinion at the County's expense if there is reason to doubt the validity of the medical certification. Second and third opinions are at the expense of The County. For second opinions The County is permitted to designate the health care provider; however, the provider may not be one that regularly contracts with The County. If the opinions of the initial opinion and the second opinion differ then The County may require a third opinion. The third health care provider must be designated or approved jointly by the employer and the employee.

### **Retention of Notifications**

As a public employer FMLA records for specific employees meet one of the categories of a Personnel Record and must be maintained for 30 years post separation per the Personnel Records Standard of the North Carolina Municipal Records Retention and Disposition Schedule.

### **Separate and Confidential Maintenance of Medical Records**

Medical certifications, re-certifications, or medical histories of employees furnished to The County for FMLA purposes are to be maintained in separate files and treated as confidential medical records with restricted access.

### **Forms**

FMLA administration forms have been placed on The County's Intranet site or are available in Human Resources, to assist Supervisors in administering FMLA leave.

### **Glossary of Key Terms**



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**Active duty or call to active duty:** Duty under a call or order to active duty or notification of an impending call or order to active duty in support of a contingency operation pursuant to Section 688 of Title 10 of the United States Code.

**Covered service member:** A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, or is otherwise still on outpatient status or on a temporary disability retired list for a serious injury or illness.

**Health care provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; any other person determined by the Secretary of Labor to be capable of providing health care services. In general terms, a health care provider is any health care provider accepted by our insurance plan. Examples are: Licensed doctor of medicine or osteopathy, Clinical Social Workers, Podiatrists, Dentists, Clinical Psychologists, Optometrists, Chiropractors, Nurse practitioners, Midwives, Christian Science practitioners

**In loco parentis:** Includes persons who assume day-to-day responsibilities to care for and financially support a child. A biological or legal relationship is not necessary.

**Parent:** A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in this policy. This term does not include parents “in law.”

**Parent of a covered service member:** A covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

**Son or daughter:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of





self-care because of a mental or physical disability at the time that FMLA leave is to begin.

**Son or daughter on active duty or call to active duty:** The employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

**Spouse:** a husband or wife as defined or recognized under State law for the purposes of marriage in the State where the employee resides.

**Workweek:** For the purposes of administering this policy, the “workweek” will be calculated based on the eligible employee's actual workweek, including any mandatory overtime. Employees with variable hours will have the "workweek" based on the average hours worked during the 12 weeks prior to leave.

## **APPENDIX B. SUBSTANCE ABUSE AND DRUG FREE WORKPLACE POLICY**

### **I. Purpose**

Caswell County is concerned about the detrimental effects which illegal drugs and alcohol abuse have upon the health and safety of its employees. We recognize that alcoholism and the illegal use of drugs lead to increased accidents and medical claims, and often destroy an employee’s health and family life. Simply stated, employees who abuse drugs and alcohol are a danger to themselves, their fellow employees and their families. In addition, employees with drug or alcohol problems have much higher medical costs than other employees, and their decreased performance and productivity because of absenteeism and turnover adversely affects the County’s ability to perform effectively.

In light of these concerns, and in compliance with applicable state and federal laws and regulations, Caswell County intends to maintain a workplace free of the problems associated with the illegal use of drugs and the abuse of alcohol. Our policy is to help employees with problems associated with the abuse of drugs and



alcohol and to encourage their rehabilitation. However, no part of this Substance Abuse and Drug Free Workplace Policy (the “Policy”), nor any of its procedures, is intended to affect Caswell County’s right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment or, except as specifically provided in the Policy, of terms or conditions of employment. The Policy is intended to help provide a better and safer work environment for all employees.

### **II. Scope and Application**

This Policy covers all employees and applicants for employment of Caswell County. This Policy applies to all Caswell County property which, for purposes of this Policy, includes grounds and parking lots, leased space, company vehicles, and personal vehicles used for Caswell County purposes. The Policy applies to any employee on Caswell County time at any location. This Policy supersedes all previous policies with respect to substance abuse to the extent they are inconsistent.

For purposes of this Policy and until further notice, the Designated County Official referred to herein shall be the County Manager or his designee.

### **III. Definition of Substance Abuse**

Substance abuse is defined as: (1) reporting to work or working with illegal drugs present in the body or while affected by alcohol, (2) chemical dependency on alcohol or other drugs where job performance or employee safety is adversely affected, or (3) the use of illegal drugs. The term “illegal drugs” as used in this Policy includes, but is not limited to, marijuana, cocaine, phencyclidine (PCP), opiates, amphetamines, and similar drugs whose possession and use are prohibited under state or federal law, as well as prescription drugs unless validly prescribed by the employee’s physician and used in the prescribed manner. So-called “Designer drugs”, “look-alikes”, synthetic drugs, and similar substances are also considered illegal drugs for purposes of this Policy, even if they are not specifically prohibited by state or federal law. This Policy is designed to cover other substances which may be abused, whether



available legally over-the-counter (such as cough syrup or drugs obtained with a valid prescription), or substances which are not intended for human consumption (such as glue). The term alcohol refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular alcohols including methyl and isopropyl alcohol.

#### **IV. Prohibitions for All Employees**

- A. Except as provided in paragraph C below, the possession, use, distribution, transfer, manufacture or sale of alcohol, illegal drugs, or legal drugs without a valid prescription on County property, in a County vehicle, or on County time is specifically prohibited. An employee who violates this prohibition is subject to disciplinary action up to and including termination of employment. Any circumstances that indicate the violation of state, federal, or local laws may be reported to appropriate law enforcement officials, and Caswell County will cooperate in any criminal prosecutions.
  
- B. Reporting for duty or working with drugs present in the body or while affected by drugs or alcohol is prohibited and will be handled under disciplinary procedures or referral for counseling and/or rehabilitation, as management determines. This prohibition includes prescription drugs, unless the employee has a current legal prescription, a valid medical reason for using such prescription drug and is using such drugs in the prescribed manner. No employee shall report for duty, remain on duty, or perform a safety-sensitive function, if the employee tests positive for alcohol or controlled substances.

Specifically, the following conditions of alcohol use and consumption is prohibited;

- 1. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of greater than 0.00, nor may that employee be permitted to perform, safety-sensitive functions for at least 24 hours.



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2. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken,
  3. Use during the 8 hours following an accident, or until they undergo a post-accident test, and
  4. Refusing to submit to a required test in that the employee either fails to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing or the employee engages in conduct which clearly obstructs the testing process.
- C. Employees are prohibited from consuming alcohol in business settings, such as business meals and functions attended by executives and sales personnel, especially when guests or customers of Caswell County are present. Employees who violate the provisions of this paragraph are subject to disciplinary action depending upon considerations such as the nature of the offense, their present job assignments, their records with Caswell County and the possible adverse consequences upon Caswell County from their violations.
- D. In order to ensure that employees can safely perform their jobs, Caswell County is also concerned with prescription or over-the-counter drugs which might have an impact on job performance. All employees in safety-sensitive functions or otherwise subject to drug testing prescribed medications that could impair their ability to safely operate a commercial motor vehicle or related activities associated with loading, unloading, inspection, and maintenance or other activity that is classified as “on duty time” under 49 CFR 395.2 must report such use to their immediate supervisor or substance abuse manager as directed by this Policy.
- E. Testing positive for drugs.



- F. Refusing to submit to a required test in that the employee fails to provide adequate urine for controlled substances testing without a valid medical explanation after the employee has received notice of the requirement for urine testing or the employee engages in conduct which clearly obstructs the testing process.

### V. Circumstances of Drug Testing

Caswell County will consider an employee for a drug and/or alcohol test under the following circumstances:

- 1. Employee Requests and Voluntary Referral for Counseling and/or Rehabilitation

Caswell County may test an employee who specifically asks to take a test. Caswell County should consider the employee's motivation for requesting a test, as well as the test's potential impact on other employees.

Caswell County recognizes and accepts that early treatment is the key to rehabilitation for substance abusers. Therefore, employees are encouraged to voluntarily request help. No employee will have job security jeopardized by such a good-faith request.

- A. **Posting** – Caswell County shall post the name and telephone number of Caswell County's recommended rehabilitation and counseling service at a location where it may be seen by all employees.
- B. **Procedure for Volunteering for Assistance** – An employee may volunteer for assistance either by requesting help from a designated County Official or a Supervisor, or by contacting the County's recommended rehabilitation and counseling service. If an employee contacts a Supervisor concerning a substance abuse problem, the Supervisor shall assist the employee in setting up an appointment with the designated County Official or recommended counseling or rehabilitation service, but should not attempt to diagnose the problem or counsel the employee.



C. **Testing After Referral for Assistance** – An employee with a positive drug screening test who has been referred by Caswell County for counseling and/or rehabilitation under this Policy may be tested without cause and at any time for a period of 2 years after referral. Employees who volunteer that they have a drug abuse problem and seek counseling and/or rehabilitation under this Policy may also be tested without cause and at any time for a period of 2 years after referral or self-referral. However, should the employee leave the employment of Caswell County, the County will not be obligated to provide assistance beyond the last day of employment.

2. Federal or State Mandated Substance Abuse Testing and Safety Sensitive Positions (Random Testing)

If any Caswell County employees are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation (“DOT”) regulations, such employees will be tested pursuant to such testing requirements notwithstanding this Substance Abuse Policy.

All individuals being considered for safety-sensitive positions as defined by Title 49 of the Code of Federal Regulations, including applicants and transfers, and all employees currently performing safety-sensitive duties are subject to this testing, including every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce, and is subject to the commercial driver’s license requirements of 49 CFR Part 383.

Employees will be considered to be performing safety-sensitive duties when their work is found to be of such great risk of injury to others that even a momentary lapse of attention can have disastrous consequences.

Employees subject to testing because of Federal or State Mandated Substance Abuse Testing and/or their classification in a Safety Sensitive position may be tested in the following manner:

All employees of Caswell County in safety-sensitive positions will be subject to random testing for alcohol and controlled substances. For



compliance purposes, two groups of employees for random selection will be maintained, DOT covered employees and safety-sensitive non-DOT employees. Random testing will be conducted on a percentage basis in a fair manner as provided by DOT regulations and will be conducted by the third-party contractor.

### 3. Evidence of Substance Abuse or Reasonable Suspicion

Caswell County will require employees to submit to an alcohol and/or controlled substances test where there is reasonable suspicion to believe the employee has violated the provisions of this policy, except for the provision regarding possession of alcohol.

The observation concerning a decision as to whether reasonable suspicion exists to test will be made by a trained Caswell County Department Head or Supervisor. Alcohol testing under this Policy is only authorized if the observations showing reasonable suspicion are made during, just before, or just after the employee performs safety-sensitive functions.

Before employees are asked to submit to a drug or alcohol screening test for reasonable suspicion testing, the concurrence of the designated County Official or designee shall be obtained. The employee should be confronted in private with at least 2 members of management present. The employee shall be told that, in accordance with Caswell County's Substance Abuse Policy, they are being requested to submit to an alcohol or drug screening test. Care should be taken to ensure that management states no conclusions as to whether the employee is a substance abuser. In the event an employee is injured, unconscious, or otherwise unable to sign a consent form, the designated County Official or designee shall be consulted on the proper course of action.

Reasonable suspicion may be based on any of the following conditions:

1. Direct observation of the physical symptoms of being under the influence of a drug, such as impairment or motor functions or speech.





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2. A pattern of abnormal conduct or erratic behavior.
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution.
4. Information that is provided by reliable and credible sources or that can be independently corroborated.
5. Newly discovered evidence that the employee tampered with a previous drug test.
6. And other factor supervisors enforcing this policy have been trained to recognize as the signs of drug and alcohol use.

#### 4. Accident or Incident

If any employee, is involved in an accident or incident where;

1. Personal injury requiring immediate medical treatment is needed, or
2. Property damage is estimated in excess of \$1,000, or
3. The employee is issued a citation under state or local law for moving traffic violation arising from the accident, then the employee will be required to submit to an alcohol and controlled substance test.

Testing will be administered as soon as medically and legally possible. It is the employee's responsibility to notify the County immediately to ensure actions are taken to meet the testing requirements. The driver must refrain from using alcohol for 8 hours following the accident, or until they submit to an alcohol test, whichever comes first.

The driver must remain available for testing, or Caswell County will consider the driver to have refused to submit to testing.

**Note: Nothing in this requirement should be construed as to require the delay of necessary medical attention for injured people following an accident.**

#### 5. Follow-up and Return-to-duty Testing





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Any employee who, based on Caswell County approval, is allowed to return to duty following referral, evaluation, and treatment as a positive alcohol or controlled substance test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of 0.00 and/or negative controlled substance test will be required before a return-to-duty decision is made. In the event an employee is allowed to return to duty following referral, evaluation, and treatment, unannounced alcohol and/or controlled substance tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 60 months following return to duty at Caswell County's discretion, based on recommendations from the substance abuse professional.

For random, reasonable suspicion and follow-up alcohol testing, an employee shall only be tested while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.

For controlled substance testing, an employee may be tested at any time the employee is at work for Caswell County.

Appropriate procedural forms will be provided by the third-party contractor.

### 6. Applicants for Employment

All applicants must undergo a pre-employment drug screening test (if appropriate, as part of their routine pre-employment physical examination). Failure to cooperate in such a test (or examination) will be considered a withdrawal of Caswell County's offer of employment.

Any offer or acceptance of employment is contingent upon the applicant successfully completing his or her drug screening test. No applicant shall be required to submit to a drug test until after the applicant has been offered a job. Employment will be denied when the test results are positive for illegal drugs or for the presence of prescription drugs (such as barbiturates, amphetamines, opiates, etc.)



unless the applicant has a current prescription, a valid medical reason for using such drugs, and is using such drugs in the prescribed manner. No one shall be permitted to begin work until the results of the test have been obtained.

All applicants shall report to the nearest drug testing collection site within 24 hours of a conditional offer or employment. Failure to report to a testing site within 24 hours shall be considered a withdrawal of Caswell County's offer of employment.

Caswell County's third-party contractor will provide appropriate pre-employment release forms. Failure to sign the form or cooperate in the test procedure as requested will be deemed a withdrawal of the individual's application for employment.

### **VI. Discipline and Consequences**

Employee compliance with Caswell County's Substance Abuse Policy is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document or submit to a drug or alcohol screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided. Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this Policy shall be required to fully cooperate and participate in their rehabilitation and the recommendations of the program administrators. This may include the requirement for regular attendance at therapy sessions. Employees who have been referred to counseling or rehabilitation may be required to undergo drug screening tests at any time for a period of up to 60 months. If Caswell County determines that an employee has failed to cooperate under the terms of this Substance Abuse Policy, the employee may be suspended without pay and be subject to further disciplinary action, up to and including termination.

An applicant for a part-time or a full-time position or a transfer from non-safety-sensitive to a safety-sensitive position with a verified



positive controlled substance test result will be denied employment or be subject to discipline, up to and including termination.

Any employee of Caswell County subject to the terms of this Policy, as a result of reasonable cause testing, post-accident, random, and/or return to work testing with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of greater than 0.00 will be subject to discipline, up to and including termination.

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result, the employee will be referred to the Employee Assistance Program (EAP) for evaluation, referral, and treatment. The referral to the EAP applies even if the employee is terminated.

After an employee has been referred for counseling or rehabilitation under this Substance Abuse Policy, the employee must promise to remain drug free. A subsequent positive drug test may result in termination of employment.

### **VII. Testing Methodology**

Caswell County will contract with a third party for the purposes of alcohol, drug and other substance abuse testing including; random selection, chain of custody/collection, screening/testing, confirmation of testing, medical review officer services, communication of testing results, EAP referrals and other administrative and program support. The third-party contractor will ensure compliance with North Carolina Administrative Code §20.0300 et al and specifically to 20.0304 “Procedures”. The third-party contractor will establish procedures compliant with the US Dept. of Transportation testing procedures for selected positions effected by those regulations.

### **VIII. Transportation of Impaired Employees**

If Caswell County believes that an employee may be impaired by drugs or alcohol and appears to be unable to drive safely, Caswell County shall provide or arrange for transportation. If the employee



refuses to accept such transportation, and insists upon driving, they should be strongly discouraged from doing so, but not forcibly restrained. If appropriate, Caswell County may take disciplinary action, up to and including termination of employment, against an employee who still insists upon operating a motor vehicle. Finally, the employee should be advised that Caswell County will notify local law enforcement authorities if they still attempt to drive. If the employee does attempt to drive, the proper law enforcement agencies shall be notified immediately. All actions taken to persuade the employee not to drive shall be documented.

### **IX. Time Off for Counseling/Rehabilitation and Return to Work**

Work time lost will be paid according to applicable benefit plans of Caswell County (such as vacation, sick leave, comp. time or petty leave) to the extent available to the employee. Beyond such benefits, work time lost for counseling and rehabilitation will be without pay. An employee may return to work only after (i) they have been certified by the treatment facility as being free of substance abuse and fit to return to duty; and (ii) they have produced a clean urine sample which generates a negative test result.

### **X. Medical Benefits for Counseling and/or Rehabilitation**

Benefits are available as provided in Caswell County's medical insurance plan, depending on the medical diagnosis by the employee's physician in conjunction with Caswell County's benefit plans.

### **XI. Confidentiality**

All information involving drug or alcohol tests, medical examinations, counseling, rehabilitation or treatment of an individual employee or applicant shall be treated as confidential. All such information will be accessible only to those Caswell County officials and designated medical or professional persons as have been approved on a valid need to know basis. It will not be provided to any other party without the employee's written consent, except pursuant to administrative or legal procedure or process. Any employee who willfully discloses such information in violation of Caswell County policy will be subject to disciplinary action, up to an including termination.



## **XII. Severability and Effect**

If any part of this Policy is determined to be void or unenforceable under state or federal law, the remainder of the Policy will remain in full force and effect to the extent possible.

## **XIII. Reservations**

No part of this Policy, or any or its procedures, is intended to affect Caswell County's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment except as specifically provided herein. This Policy does not create an express or implied contract between Caswell County and any employee.

Because it is impossible to anticipate every situation which may arise under this Policy, the County Manager or Human Resources Director should be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practicable. The County Manager is responsible for the overall implementation of this Policy.

Caswell County reserves the right to interpret, change, modify, amend, or rescind this Policy in whole or in part. Exceptions to this Policy may be granted in unusual or extenuating circumstances, but only with the concurrent of the County Manager.

## **APPENDIX C. TRAVEL AND TRANSPORTATION EXPENSES**

### **Section 1. Policy**

It is the policy of the County to reimburse its employees, Commissioners, and appointed officials for out-of-office travel and transportation expenses directly related to official business of the County. All travel costs will be paid directly to the individual incurring the expense.

This policy is intended to address out-of-pocket expenses for employees and Commissioners on official County business. It is not intended to replace travel allowance given to employees who must provide a vehicle in their work as a condition of employment. The



County Manager is responsible for determining if additional reimbursement of travel expenses is appropriate.

### **Section 2. Prior Approval for Travel**

The County recognizes the need for flexibility in obtaining approval for travel. It is the Appointing Authority's responsibility to determine if travel is necessary and reasonable and to set standards for approval. All travel out-of-county and travel requiring one or more overnight stays shall be approved in advance by the County Manager. It is always the responsibility of the Appointing Authority, or designee, to ensure that a sufficient unexpended appropriation remains to cover all travel expenses.

### **Section 3. Eligible Transportation Expenses**

Transportation expenses that are ordinary and necessary while conducting official business for the County are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be less than first class unless such rates are not available and no other travel options are available.

Whenever possible, County vehicles should be used for auto travel. In the event a County vehicle is not available, a personal auto may be used.

Reimbursement for use of an employee's personal auto is allowable at the standard IRS mileage rate for business mileage in effect at the time of travel. Generally, reimbursement for the use of an employee's private auto is limited to travel incurred in the general area or within the state.

Occasionally, either for personal preference or for the benefit of the County, an employee may take their personal auto for out-of-county or state travel when transportation by other means would be more economical. In those cases, reimbursement will be limited to the mileage rate or an equivalent airfare, whichever is less.

Other transportation expenses that are allowable are:



- Taxi fares or other costs of transportation between the airport or station and employee's hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- Baggage charges.
- Tips that are incidental to any of the above transportation expenses.

### **Section 4. Eligible Travel Expenses**

Expenses for lodging and other expenses incurred while traveling away from home and related to official duties, are eligible for reimbursement if reasonable and supported by receipts. Travel items eligible for reimbursement are as follows:

- Meals served, as part of a convention or conference will be reimbursed according to County policy. Required night meetings and dinner meetings will also be reimbursed supported by receipts. *Other meals will be reimbursed according to the current County Policy.*
- Actual cost of lodging at the single room rate if supported by receipts.
- Employees are encouraged to obtain governmental rates whenever possible.
- Telephone expenses, as necessary, at the supervisor's discretion.
- Tips associated with the costs listed above.

Expenses incurred for personal entertainment are not allowable. Subsistence reimbursement rates are set by the Board of Commissioners.

### **Section 5. Reporting Expenses for Reimbursement**





All employees, Commissioners, and appointed officials authorized to travel, should keep all receipts of actual expenditures, from which they can prepare an official travel voucher. Receipts for lodging, transportation (other than auto), tolls, parking fees, registration fees, etc. must accompany the travel voucher. Receipts and requests for reimbursement must be submitted to the Finance Department within 30 days or on a monthly basis.

Claims for mileage reimbursement should indicate the point of departure and destination and shall be computed in a manner that is most reasonable and favorable to the County. The business purpose of each trip for which reimbursement is claimed must be clearly stated. Travel vouchers, which have been approved by the employee's Department Head (or in the case of Department Heads, by the County Manager), are to be submitted sufficiently in advance for official County business only. Travel to and from work is not eligible for reimbursement.

### **Section 6. Travel Advance**

If a travel advance is necessary to conduct official County business, the request for such advance must be approved by the Department Head and County Manager and submitted to the Finance Office no later than 5 working days prior to time travel is anticipated. Travel advances may not exceed the estimated cost of travel and must be accounted for on the travel voucher.

### **Section 7. Other Eligible Travel Reimbursements**

Employees who travel outside of the County, which requires departure prior to 7:00 am or return later than 8:00 pm, but does not require an overnight stay, will be reimbursed for breakfast, lunch and dinner within the maximum limits as currently apply. Such travel expenses must have the approval of the department head and County Manager before reimbursement and must be accompanied by a receipt.





## APPENDIX D. APPROPRIATE USE OF TECHNOLOGY RESOURCES

- Purpose:** The purpose of this policy is to set standards for appropriate use of Caswell County information technology resources and to safeguard the integrity of computers, networks, and data.
- Definitions:**
- E-mail:** The distribution of messages, documents, files, software, or images by electronic means over a phone line or a network connection. This includes internal e-mail, external e-mail, Internet e-mail, instant messaging (IM) and all forms of electronic correspondence.
  - Local Drive:** The primary drive of staff computers, which is used for the storing of programs. Some data and information may also be stored on servers.
  - Network:** A system by which all Caswell County computers are connected together. The Caswell County network allows employees access to authorized areas on different computer systems. This includes access to network printers, as well as shared drives on servers or individual computers.
  - Outside Data Source:** Any file, program, image, picture, or document received on media (diskettes, CD ROM, or tapes), email, through the Internet (including Internet e-mail), or through file transfer.
  - Caswell County Management:** Refers to Department Heads and designees.
  - Streaming Media:** Streaming media refers to video, audio or broadcasts that play immediately when accessed, without requiring a full download before playback (e.g., video news clips, or radio stations accessed through internet).
  - “Push” Technology:** “Push” technology is a type of streaming media through which a PC receives daily, hourly or continuous updates via the Internet; e.g. news, stock quotes, weather, and similar information.
  - IT Staff:** Refers to the Caswell County IT/Computer Support Department and any employee working in that department.
- Policy:** It is the policy of Caswell County to provide its employees with the information technology resources necessary to do the work of the organization. This policy covers the use of all information technology resources belonging to Caswell County whether individually controlled or



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shared, stand alone, or networked. It includes all computer systems of any size and function and their attached peripherals, projectors, telephones, faxes, voice mail systems, e-mail systems, network resources and Internet resources.

1. **Information Access and Ownership:** All technology resources and all information transmitted by, received from, or stored on Caswell County systems are the property of Caswell County and as such, are subject to inspection by Caswell County Management. Caswell County reserves the right to access all systems for review and monitoring for appropriate use.
2. **Appropriate Use:** When an employee is using Caswell County technology resources, he or she is representing Caswell County. The same good judgment used in written correspondence or in determining appropriate conduct should be applied to use of information technology resources.
  - a. While in the performance of work-related functions, while on the job, or while using publicly provided technology resources, Caswell County employees are expected to use them responsibly and professionally.
3. **Public Records:** Pursuant to North Carolina General Statutes, Chapter 132, Public Records – e-mail and any attachments, as well as any e-mail that may be sent in response to it, is considered public record and as such are subject to request for public review.
4. **Expectation of Privacy:** Certain activities of Caswell County Government are in the public domain; therefore, employees should have no expectation of privacy when using information technology resources (e.g. e-mail, faxes, telephones, voice mail, Internet, county provided cell phones, or computers).
5. **Limited Personal Use:** The following limited personal use is authorized for all employees.
  - a. Internet: Internet access is provided for Caswell County business purposes; occasional or causal use of the Internet on a limited basis is acceptable so long as it is not detrimental to one's job performance or a distraction to others. For instance, approved use would be during a worker's lunch time or other approved break period.
  - b. E-mail: Personal use of e-mail must not cause congestion, delay or disruption of service to any Caswell County system or



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equipment. Employees must establish a personal email account and direct personal communication to that address. The following applies to employee use of Caswell County e-mail.

Employees should not give out their Caswell County e-mail address for personal purposes, particularly when “registering” at various Internet sites. Registering may result in the employee receiving unwanted e-mail which in turn could further strain the network resources. A suggestion is to open a free e-mail account for your personal e-mail. Certain sites on the Internet provide this service (Yahoo, Hotmail, etc.).

- a. Broadcast transmissions or mass mailings for personal use are prohibited.
- b. Employees should refrain from reference to Caswell County Government when establishing a personal e-mail address or website address which could result in confusion between personal use and approved Caswell County Government use.

**6. Prohibited Use of Technology Resources:** Article IV: Conditions of Employment as stated in the Caswell County Personnel Policies covering political activity, secondary employment, sexual harassment, and solicitations, applies to the use of all Caswell County information technology resources.

**a. Loading Software:** Software may not be loaded onto any Caswell County computer system, without prior approval of the Caswell County Management. This includes shareware, freeware, screen savers other than those included with your computer, personal software (such as tax preparation programs, computer games, etc.) or Internet distributed programs.

**b. Inappropriate Uses:** Using any Caswell County technology resource, especially e-mail, for activities that are illegal, inappropriate, offensive, or violates the civil rights of any person, such as the use of sexually explicit material or material or remarks that ridicule others on the basis of race, creed, religion, color, sex, disability, age, political affiliation, national origin or sexual



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orientation. This also includes e-mails that are “chain” letters or pyramid type e-mails.

- c. Pornographic Material:** Access of any pornographic material will not be tolerated. Pornographic material may not be displayed, archived, stored, distributed, e-mailed, edited, or recorded using the Caswell County network or computing resources.
- d. Posting of Personal Opinions:** Employees are prohibited from using Caswell County provided access to the Internet to present their personal views in a way that would lead the public to interpret it as an official Caswell County position. This includes posting to external news groups, bulletin boards, or other public forums (e.g., posting to a blog using Caswell County e-mail address for response).
- e. Streaming Media:** Live stream use of the Internet strains the network, significantly slows network speed, degrades network performance, and interferes with official business. Employees must exercise caution and good judgment concerning when and how to use the Internet as a radio, using “push” technology on the Internet, or other continuous data streams. Watching music videos is prohibited. Training sessions utilizing video or teleconferences is allowed.

### 7. Security:

- a.** Each employee is responsible for all actions taken on a PC while using their user profile or password. Sensitive or confidential information should remain password protected if at all possible for your application.
- b.** Except as provided elsewhere in this policy or with the consent of management the examination, modification, copying, or deletion of files and/or data belonging to other employees without their prior consent is prohibited.
- c.** The Caswell County Management must be consulted before any network expansion project is undertaken by any individual or



department other than the Caswell County IT/Computer Support Department. The following would be things needing approval: new network lines, routers, switches, hubs, or any network infrastructure. This also covers any type of software that monitors network “packets” or data streams. Use of such software is prohibited.

### **Enforcement of Policy:**

Department Heads should contact the County Manager who then will contact the IT Staff when they suspect an employee may be violating the policy. The IT staff and Department Head at that point will inspect the system for evidence of violation of the policy. Final disciplinary action of the employee rests solely with the Department Head after consultation with the Human Resources Director.

### **Desktop Computing Hardware and Software Policy**

**Purpose:** Caswell County provides various information technology resources for public use in some areas (Public Library and Senior Center). Due to continuing advances in information technology hardware and software, Caswell County recognizes that effective information technology resources will always need to be dynamic. This policy applies to all computer hardware, peripherals, data, software and associated communications networks. In particular, this policy covers all desktop computers, whether freestanding or connected to the network. This also covers laptop computers, tablet PCs, and PDA’s.

**Policy:** It is the policy of Caswell County to provide its employees with the information technology hardware and software necessary to do the work of the organization.

- 1. Approved Supported Software:** Only software items purchased, appropriately licensed, and authorized by Caswell County Management will be installed on personal computers. Software that is not authorized by Caswell County Management may be removed from a computer without prior notice to the employee.
- 2. Approved Unsupported Software:** Specialized software (e.g., GIS, GPS, other mapping software) or proprietary software packages that are



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contracted and supported by outside vendors may be approved for Caswell County use by Caswell County Management; however, the person or department acquiring, owning, or using the software is responsible for its support and maintenance. This includes obtaining support from the outside vendor during the contract period.

- 3. Computer Hardware:** Computer hardware must be authorized by Caswell County Management and compatible with Caswell County standard operating system software. Compatibility can be verified through IT staff.
- 4. Hardware Upgrade and Replacement Guidelines:**
  - a. Caswell County will operate under a four-year review schedule for all personal computers. Individual Departments will track the age of each personal computer and printer being used in their area. Computers and printers will be evaluated at the end of the four-year period from the time of purchase, based on technology performance, replacement costs and other factors, to determine if replacement or upgrade is necessary.
  - b. If at any time, the level of capacity of an employee computer ceases to perform at the level necessary to complete job requirements, that computer will be evaluated by the IT/Computer Support Department for possible upgrade or replacement. The IT/Computer Support Department staff will recommend the specifics of replacement or upgrade to Caswell County Management.
  - c. If IT/Computer Support Department staff determines that the capacity of the computer is comprised due to unapproved software or files unrelated to Caswell County business, the software and/or files may be removed from the computer without prior notice to the employee.
- 5. Hardware/Software Purchasing:**
  - a. Software and hardware purchase decisions should be made in consultation with the IT/Computer Support Department to ensure that product specifications meet Caswell County IT system requirements.



### Website Content

**Purpose:** The purpose of the Caswell County Web site is to provide 24-hour access to electronically-based information, to focus service delivery on member government needs, and to make direct community involvement easier. Relevant, accurate and useful information on easily navigated pages will result in a quality site.

**Policy:** All content on the Caswell County Web site will be sponsored or co-sponsored by Caswell County or directly linked to Caswell County activities. Content will accurately reflect Caswell County policies.

## APPENDIX E. CELLULAR TELEPHONE USAGE POLICY

### Section 1. Use of Cellular Telephones

Cellular telephones can increase productivity and employee effectiveness, but they can also become a time waster instead of a production enhancer if used without policy guidelines. The County has total discretion over employees' access privileges and the nature of public discussions on cellular telephones, and lays out this policy as a means of ensuring a productive and stable environment.

Cellular telephones will be issued to County employees to use within the scope of their employment with the County. The cell phone is not to be used by any person other than the person to whom the phone is issued.

Cellular telephones are County property that is provided to employees to be used for general business purposes. To ensure the use of them in a productive manner, a list of guidelines has been incorporated. All employees are required to abide by the guidelines; any improper use of cellular telephones is not acceptable and will not be permitted, and employees will be subject to repayment of costs for over-usage if it is determined the cellular telephone is being used by an employee for personal business either on work time or after hours.

**Cellular telephones that are the property of the County, and are to be returned immediately upon termination of employment by the County, or upon resignation, retirement, or other**





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**termination of employment by the employee.**

**Section 2. Cellular Telephone Policies**

Administration routinely monitors usage patterns for cellular telephone communications. The reasons for monitoring are for leveraging productivity as well as for better planning and management of network resources.

Different access and service levels for different types of personnel may be given to employees depending on the nature of their work.

The County reserves the absolute right to block access to certain telephone numbers if it becomes necessary.

It is not permitted to use cellular telephone for personal gain or any other purpose which is illegal, against policy, or contrary to the County's best interest.

The County cellular telephones are used in public places for business communications, and all communications over County cellular telephones reflect the County image. All employees are therefore responsible to maintain and enhance the County's public image, and no abusive, discriminatory, harassing, inflammatory, profane, or offensive language is to be transmitted through a cellular telephone. All communications (text or otherwise) should be considered as an official public record.

The County values employee safety. County-owned phones are not to be used while operating automobiles or other equipment that may constitute a safety hazard.

**Section 3. Non-Discrimination**

It is not permitted to transmit messages with derogatory or inflammatory remarks about a person's race, color, sex, age, disability, religion, national origin, physical attributes, or sexual preference.

**Section 4. Violations**

Failure to comply with this policy may result in disciplinary action





up to and including termination.

### **Section 5. Missing/Lost Cellular Telephones**

The employee is responsible for knowing the location of the cellular telephone assigned to them at all times. If the telephone becomes missing or lost, the responsible employee will be charged for replacement costs and expenses. The County shall have the authority to deduct replacement or repair costs from the employees' payroll in the event that a phone is lost, or that the phone is damaged due to negligence or an avoidable accident. No new phones will be issued to the employee until payment is received.

### **APPENDIX F. USE OF COUNTY VEHICLES POLICY**

#### **Purpose:**

This policy establishes procedures regarding the assignment of County vehicles, use of County vehicles, and business use of private vehicles. This applies to all County employees unless otherwise noted within the policy.

This policy is also prepared according to the Federal Tax Act of 1985 and North Carolina General Statutes 14-247, which establishes procedures regarding reporting of income and withholding of taxes.

#### **Definitions:**

**Assigned Vehicle:** A County-owned vehicle designated for the use of an individual employee in the normal performance of their duties but not authorized for take-home use.

**Take-Home Vehicle:** A County-owned vehicle designated for the use of an individual employee in the normal performance of their duties including the commute from home to work.

**Mileage Reimbursement:** A per mile rate to compensate employees for the incidental, non-routine, or extraordinary use of a privately-owned vehicle for official business, based on actual logged miles.



### **Assigned Vehicles Policy:**

Only Caswell County employees on bona fide County business and authorized by the Department Head may drive or operate County vehicles or equipment.

County-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the County. For individuals assigned vehicles for overnight use, stopping between work and home to perform brief minor personal business may be acceptable, but any such use should be the exception rather than the rule, and only if the stop is directly in route from work to the employee's residence.

County-owned vehicles are not assigned for nor shall they be used for the convenience of the employee with regard to transportation needs or other non-business activities except as determined by the Department Head with concurrence of the County Manager.

Alcoholic beverages or any illegal drugs are not permitted in County vehicles at any time. Law enforcement personnel, as approved by the Sheriff, may transport alcoholic beverages or drugs that have been lawfully confiscated or scheduled for use during training exercises.

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

Hitchhikers are not permitted to ride in County owned vehicles. All passengers accompanying County employees in County cars must have a business interest in the travel. Due to insurance limitations and regulations, no other passengers are permitted unless authorized by the County Manager. Employees with take home vehicles are not allowed to provide transportation to other County employees to and from work unless approved by the County Manager.

### **Take-Home Vehicles Procedures:**

For an employee to be authorized for the take-home use of a County-owned vehicle, the employee must possess a valid driver's license,



maintain a safe driving history, and meet one of the following tests:

**Test 1:** The employee is:

- Subject to frequent after-hours emergency callback or other unscheduled work, and such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and a specialized vehicle, tools, or equipment are required for the performance of emergency duties.

**Test 2:** The employee is:

- Subject to frequent after-hours callback, and
- Such callback arrangements are to locations other than the employee's normal duty station, and
- A special vehicle, tools or equipment are required to perform after-hours assignments, and
- An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

*This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, such as public utility maintenance. In such cases, the use of the take-home vehicle is for the period of on-call assignment only.*

**Test 3:** The employee is:

- Employed in a public safety position, and
- Is required to use an individually assigned vehicle during their normal tour of duty.

Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the County Manager. While not



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on duty during such commutes, officers may assist on incidences they may encounter as needed and in accordance with departmental procedures. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.

Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Head and approved by the County Manager annually beginning July 1<sup>st</sup>. *The following conditions should be considered:*

- Requirements of the job.
- Productivity.
- Availability of County vehicles.
- Cost to the County.

Department Heads shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the County Manager, at the written request of the Department Head, will authorize full-time take-home vehicles based on the criteria described above.

Employees permitted to take a vehicle home (commute) from their workstation may do so for job-related reasons and not as a compensatory measure.

Vehicles so assigned are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a County vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act (Attachment I), shall result in a taxable fringe benefit to the employee.

The Finance Director shall compute the commuting cost of any non-exempt vehicle taken home by an employee and report this taxable benefit on the employees form W-2 at the end of each calendar year. Caswell County will only deduct FICA taxes on the cost of this benefit. No Federal or State Income taxes will be deducted by the County, the payment of these taxes will be the responsibility of the



employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.

Overnight assignment will not typically be granted to any employee that lives outside of a five-mile (5) radius from the nearest County limit boundary of the County, unless specifically approved by the County Manager.

### **DRIVER RESPONSIBILITIES / REQUIREMENTS**

Each driver of any County owned vehicle must have a valid driver's/operator's license. Should an employee who drives a County owned vehicle be involved in an incident, on or off the job, where their license is suspended or revoked, the employee is obligated to inform their Department Head and Human Resources within 24 hours of the incident. Failure to inform the County of a suspended or revoked license may result in immediate dismissal.

County employees, who drive county vehicles weighing more than 26,000 pounds or a vehicle carrying sixteen (16) or more passengers, must have a valid Commercial Class B license with a passenger endorsement. County employees who drive vehicles with a trailer must have a valid Commercial Class A license if required by law.

Employees authorized to drive or are assigned a County owned vehicle will be subject to an annual review of their motor vehicle driving status by the Human Resources Director. Employees may be requested to provide a driving history as needed. The Department Head, the Human Resources Director, and the County Manager may review driving privileges on a case-by-case basis.

Employees are responsible for any county vehicle or equipment assigned to them and must report unsafe operations or working conditions to their supervisor as soon as possible.

Employees shall allow sufficient time to reach destinations without violating speed limits or traffic laws. Employees must know and abide



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by all driving laws in all areas where they operate County vehicles and shall drive defensively at all times. It is mandatory that all occupants of a County vehicle use seat belts or other safety devices (i.e. child restraints) at all times, unless specifically exempted by N.C. General Statutes. The driver of the vehicle is responsible for enforcing belt usage by all occupants and shall report any failure to comply with employee's supervisor.

The County of Caswell will not pay traffic tickets or parking fines of employees driving County owned vehicles, nor will the County pay if the employee is authorized to use their personal vehicle on County business. Employees found guilty of moving violations may be subject to corrective action. Employees are required to report all traffic tickets while on county business. Failure to do so will lead to disciplinary action.

An employee receiving a moving violation while driving a County vehicle has an obligation to immediately inform their Department Head and the Human Resource Director.

The Human Resources Director will investigate a prospective employee's driving record if the duties of the position may involve operation of County owned/insured vehicles. After the applicant is hired, a copy of the applicant's driving record will become a part of the Personnel file. Minimal driving infractions will not impede driving privileges.

Individuals using personal vehicles on County business are required to carry at a minimum, the North Carolina statutory auto liability limits as evidence of financial responsibility. This is the primary insurance coverage for the Employee's vehicle at all times, including when the vehicle is used on County business. These individuals are required to provide the Human Resources Director with evidence of insurance upon initial employment and each year thereafter on the insurance policy renewal date. Employee shall notify the Human Resources Director if his or her insurance coverage lapses or is cancelled for any reason.



### INSURANCE OF VEHICLES

The County Human Resource Director is responsible for maintaining adequate liability and collision coverage for assigned and unassigned vehicles.

For insurance purposes, each employee authorized to operate a County owned vehicle must provide the Human Resource Director with their name as it appears on the operator's license and their driver's license number.

The County's insurance is in force when an employee operates County owned vehicles or equipment.

Property belonging to the Caswell County locked inside a vehicle is covered by the County's insurance against theft; however, personal property stolen from a County-owned vehicle is not covered, even if the personal property is used for County business. *If your County vehicle is stolen, follow these procedures:*

- Report the theft immediately to the local police and the Human Resource Director.
- Obtain a copy of the police report filed.
- Provide the Human Resource Director with the date and location of where the theft occurred and all relevant information, including the police report.
- Provide the Human Resource Director with a list by model and serial number of any equipment stolen.
- Forward the completed incident report (Form H) and/or Police Report to the Human Resource Director immediately.



### **MAINTENANCE OF VEHICLES**

Employees with assigned County-owned vehicles are responsible for monthly inspections of their vehicles. Scheduling of routine maintenance and repairs is the responsibility of the employee to whom the vehicle is assigned upon approval of the Department Head.

Individual departments are responsible for monthly inspections of unassigned vehicles and scheduling routine maintenance and repairs.

No alterations may be made to County-owned vehicles without prior written approval by the Department Head or County Manager.

No bumper stickers, other than County approved stickers, may be placed on the vehicles.

Department Heads are responsible for maintaining accurate and complete maintenance history of files for each assigned vehicle in their department. It is the responsibility of the Department Head vehicles to provide the Finance Department with receipts for maintenance and/or repairs.

### **FUEL CONSERVATION PLAN**

Employees should always be attentive to conserve fuel on a day to day basis. At times (i.e. fuel shortage and rising fuel costs), it is necessary to take further steps to assure that each department is doing their part in this important issue.

### **CELL PHONE USE PROHIBITION**

Employees are prohibited from using a cell phone or other personal electronic devices while operating county vehicles.

### **ACCIDENT PROCEDURES**





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*NOTE: A card describing “What to Do in Case of An Accident” is maintained in the glove box of all County owned vehicles*

Regardless of the situation, the following procedure **MUST** be followed in the event of an accident while in a County owned vehicle:

- Immediate notification of the proper law enforcement agency for accident investigation and report within three days.
- Immediate notification of the employee’s supervisor or Department Head.
- Notification of the Human Resource Director immediately of the accident, so the insurance carrier can be notified.
- “What to Do in Case of An Accident” located in the glove box of all County owned vehicles and must be completed and turned into Supervisor. The Supervisor will forward a copy to the Human Resources Office.

If necessary, an injury report must be completed and submitted to the Human Resources Director immediately in order to file a workers’ compensation claim

Securing accident repair estimates is the responsibility of the employee’s department. Once the department has received the repair estimates are submitted to HR.

### **POST-ACCIDENT SUBSTANCE ABUSE TESTING**

Post-accident testing shall be in accordance with Caswell County Substance Abuse and Drug Free Workplace Policy.

### **APPENDIX G. APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

The final decision issued by the Health Director, the Social Services Director or Emergency Management Director shall inform the Grievant in writing of any appeal rights through the Office of



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Administrative Hearings for contested case issues. The Grievant must be specifically informed of the following:

The appeal is made by filing a “Petition for a Contested Case” hearing with the Office of Administrative Hearings;

The appeal to the Office of Administrative Hearings must be filed within 30 calendar days after the Grievant receives the final agency director decision; and

A fee is charged for filing a Petition for a Contested Case Hearing.

The Grievant may file the appeal at: Office of Administrative Hearings 1711 New Hope Church Road (Physical Address) Raleigh, NC 27609 6714 Mail Service Center (Mailing Address) Raleigh, NC 27699-6714 (919) 431-3000 Hearing procedure requirements and filing form (OAH Form H-06A) can be obtained from the Office of Administrative Hearings at: <http://www.ncoah.com/hearings/> or by calling (919) 431-3000.

### **GRIEVANCE PROCESS FOR ALL GRIEVABLE ISSUES**

A grievance or complaint must be filed within 15 calendar days of the alleged event or action that is the basis of the grievance. Any grievance or complaint that alleges unlawful discrimination, harassment or retaliation shall be addressed and completed through the County’s grievance process. Except as provided herein, all other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee’s chain of command regarding the alleged event or action that is the basis of the grievance prior to filing a formal grievance. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall proceed directly to the County’s grievance process. Disciplinary action grievances (i.e., dismissal, suspension without pay, demotion) that include both an allegation of unlawful discrimination, harassment, or retaliation and an allegation that the disciplinary action lacks just cause shall first be addressed through



the County’s grievance. Likewise, a grievance that involves both a separation due to unavailability and an allegation of unlawful discrimination, harassment or retaliation shall first be addressed through the County’s grievance process. After the grievance process is completed, all grievable issues remaining (including that an unresolved disciplinary action lacks just cause or that an unresolved separation due to unavailability was improper, and any unresolved allegations of unlawful discrimination, harassment, or retaliation) may be considered in the formal grievance process if pursued by the employee as per the procedures below.

### **UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION GRIEVANCE PROVISIONS**

**Option 1** -- Process for Unlawful Discrimination, Harassment or Retaliation: An applicant for employment, probationary employee, former probationary employee, career status employee or former career status employee (hereafter referred to as Complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the Agency Director within 15 calendar days of the alleged discriminatory, harassment or retaliatory act that is the basis of the complaint. If the Complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated by the Agency Director. The Agency Director will investigate the complaint and determine if the facts related to the allegations support a finding of reasonable cause or no reasonable cause to believe that unlawful discrimination, harassment or retaliation occurred. The Agency Director has 45 calendar days from receipt of the complaint to investigate and respond to the Complainant, unless the Complainant and the Agency Director mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days. At the conclusion of the investigation, the Agency Director shall communicate the outcome of the investigation in writing to the



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Complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the Complainant will sign a letter of agreement with the Agency Director detailing the terms of the resolution. The Agency Director shall ensure that the terms of the agreement under the control of the Agency Director are implemented. If the complaint is not successfully resolved, then the Complainant may continue the process by filing a formal grievance to the County's Human Resources Director within 15 calendar days of the written response from the Agency Director. If the investigation results show no reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, the Human Resources Director shall inform the Complainant in writing regarding the conclusions of the investigation. If the Complainant disagrees with the conclusions of the investigation, the Complainant may file a formal grievance to the County Manager within 15 calendar days of receiving the conclusions of the investigation. The County Manager shall conduct an investigation and shall inform the Complainant in writing regarding the conclusions of the investigation. At any point in the grievance process, the Complainant/Grievant has the right to bypass discussions with or review by the alleged offender.

**Option 2 -- External Filing of a Discrimination Charge:** The Complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the County's grievance process and file a charge directly with the Equal Employment Opportunity Commission (EEOC). The Complainant may not, however, file a contested case with the Office of Administrative Hearings if the internal process has not been completed. Filing deadlines may vary. Information about filing an EEOC charge and deadlines for filling the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000. Information about filing through the Civil Rights



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Division of the Office of Administrative Hearings can be found at: <http://www.ncoah.com/civil/> or by calling 919-431-3036.

**Option 3** -- Simultaneous Internal and External Filing of a Discrimination Charge: An applicant for employment, probationary employee, former probationary employee, career status employee or former career status employee may file simultaneously with the EEOC at any point in the grievance process.

### APPENDIX H. HOURS OF WORK AND OVERTIME

#### Section 1. Overtime Policy

For Non-Exempt employees (employees not Exempted from the overtime provisions of the Fair Labor Standards Act; FLSA) the County will compensate employees with time off at the rate of one and one-half times the hours worked in excess of the standard hours for the work period. However, at the County Manager's discretion, pay may be authorized in lieu of time off if it is in the County's best interest. Executive, administrative, or professional employees, classified as Exempt under FLSA rules, are not eligible for overtime pay; however, may be eligible to utilize Flex Time as may be approved by the County Manager.

<u>Work period</u>	<u>Hours/Period</u>	<u>Overtime Rate</u>	
General Employees	7 days	40	1.5
Law Enforcement	28 days	168/171	1.5
Detention	7 days	168/171	1.5
Telecommunicators	7 days	40	1.5
EMS Technicians	7 days	40	1.5

In accordance with FLSA regulations, Non-Exempt employees may not accumulate more than 240 hours of compensatory time, except for sworn law enforcement officers, who may accumulate up to 480 hours of compensatory time. In accordance with the Fair Labor



Standards Act, a Non-Exempt employee who has accumulated the maximum compensatory time must be paid for any additional overtime worked. An employer may, at their discretion, establish limits on the accrual of compensatory time. To that end, Caswell County has established a maximum accrual of 200 hours for Non-Exempt employees and 400 hours for sworn law enforcement officers. **Non-Exempt employees having accruals greater than 200 hours and sworn law enforcement officers having accruals greater than 400 hours must reduce those accruals to these limits within 30 days of the effective date of these Personnel Policies.**

Department Heads and Supervisors shall schedule and manage their staff to ensure that overtime compensation is held to a minimum. All compensatory time earned in one month should be taken off by the end of the following month. Additionally, any accumulated compensatory time shall be used during any absence before vacation or sick leave hours.

Department Heads and supervisors will see that work is accomplished within the established workweek for their respective departments. However, the County recognizes that weather conditions, required seasonal activities, emergencies and other situations may dictate the number of hours needed to provide County services.

For questions concerning overtime provisions related to the Fair Labor Standards Act (FLSA), 29 CFR Part 553, “Application of the FLSA to Employees of State and Local Governments” should be consulted.

## **Section 2. Hourly Rate of Pay**

The hourly rate of pay is obtained by dividing the annual salary by the number of annual hours worked.

For example,

- A. Employees, working a 40 hour per week schedule, will divide their annual salary by 2,080 hours (40 hours per week X 52 weeks =



2,080 hours);

- B. Sworn law enforcement officers, working up to 171 hours in a 28-day work period, will divide their annual salary by 2,223 hours (171 hours per work period X 13 = 2,223 hours). Note: when calculating work periods for sworn law enforcement officers and Detention Officers, there are 13 28-day work periods during a calendar year.

If, in a single workweek, an employee works at two or more different types of work for which different straight time rates have been established, the employee's regular rate for that week is the weighted average of such rates; that is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs. All employees must be paid at least the Federal or State minimum wage, whichever is higher.

### **Section 3. Approval to Work Overtime**

No Non-Exempt employee shall work overtime without prior written approval from their supervisor, except in the case of unforeseen emergencies where prior approval is impossible to obtain. In all cases, the Department Head shall provide and submit the written approval along with the employee's time sheet for that work period.

### **Section 4. Hours Worked**

"Hours worked" is defined as the time during which an employee is required or permitted to be on duty on the County's premises or at a prescribed work place. Ordinarily, an employee's working hours will include all hours from the beginning of the work period to the end of the work period with the exception of periods when the employee is relieved of all duties for the purpose of eating meals (See Section 7 of this Article).

### **Section 5. On Call**

Restrictive – (24 Hour Period) The activities of the employee, the location and time for response is limited to the employee basically ready to report, reply, and respond within 1 hour of being "called".





Employees should be compensated 4 hours for this time and if they have to report to duty they will be compensated the 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime.

Non-Restrictive – (24 Hour Period) Where the employee’s activities are not restricted while on call, the employee must reply or response and on certain situations may have to report back to work.

Employees should be compensated 1 hour for this time and if they have to report to duty they will be compensated 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime compensation.

### Call Back

If an employee is “Called Back” to work (after their normal shift assigned hours) they would receive 2 hours of compensation or the number of hours that they actually worked whichever is greater.

The hours actually worked would go towards “hours worked” in calculating the employee’s overtime compensation.

## **Section 6. Leave and Holidays**

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, sick leave, civil leave, holiday leave and military leave will not be counted as time worked. Such time off must be included in straight- time pay, but it is not included in computing hours of work for overtime pay.

## **Section 7. Meal Period**

A meal period is a span of at least 30 minutes and no more than 60 consecutive minutes during which an employee is completely relieved of duty and free to use the time for the employee’s purposes. It is not counted as hours worked or paid time. Any meal period of less than 30 consecutive minutes must be paid as hours worked.





### **Section 8. Training Time**

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

Attendance in training sessions, workshops, and other meetings that are not required as a condition of employment is not work time, unless approved as such by the Department Head.

### **Section 9. Exempt Employees**

Unless otherwise required by the FLSA, the County exempts certain executive, administrative, and professional employees from eligibility for overtime pay. The County Manager, or Human Resources Director, shall be responsible for determining and identifying Exempt positions. The basis for determining exempt positions will be provided by the standard set forth in the FLSA.

Employees exempted from overtime compensation are expected to perform the duties required in their jobs regardless of the amount of time involved. However, exempt employees shall be allowed to utilize Flex Time on an hour for hour basis, which may be used in the same manner as other types of leave. Upon termination of employment of an exempt employee, the County will not pay for unused Flex Time.

When a non-exempt employee is promoted or whose position is reclassified to an exempt position, any accrued compensatory time accrued as a non-exempt employee, up to the promotion date, will be paid-out to the employee in their last check as a non-exempt employee and at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

### **Section 10. Use of Compensatory Time/Flex Time**



The County Manager or Department Head shall approve use of compensatory time or flex time in advance of its use and its use should not unduly disrupt the normal operation of the County. Compensatory time or flex time must be used before using sick or vacation leave. If vacation or sick time is used, while an employee has a compensatory time or flex time balance, the time used will be deducted from the compensatory or flex time balance and credited back to the vacation or sick time balance. An exempt employee may not have approved for use more than two weeks of flex time in any 30-day period unless approved by Department Head, HR Director or County Manager.

#### **Section 11. Payment of Accumulated Compensatory Time Upon Termination**

Pay for accrued compensatory time, for Non-Exempt employees, upon termination of employment, shall be the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

#### **Section 12. Payment of Accumulated Compensatory Time When Transferring from Non-Exempt to Exempt Status**

When an employee transitions from Non-Exempt to Exempt status any accumulated Comp Time balance shall be paid in the next pay period.

#### **Section 13. Transitioning from Exempt to Non-Exempt Status**

Any Exempt employee transitioning to a Non-Exempt status, and who has a Flex Time balance, shall be able to carry forward that balance for a period of 90 days. If not used within that 90-day period, the remaining balance shall be forfeited.

#### **Section 14. Employees Serving on County Approved Boards**

Any County employee serving on a County Board where compensation is received and the Board meets during County work time, the employee must decline compensation from either the County or take time off from work. Any employee serving on a



County Board shall have prior approval from their Department Head. Participation on any Board should not interfere with regular job duties.

### **APPENDIX I. MILITARY LEAVE**

This regulation is promulgated pursuant to North Carolina General Statute 127A-116 and the Uniformed Services Employment and Reemployment Rights Act of 1994.

Leave shall be granted to employees for certain periods of service in the uniformed services. Caswell County shall not discriminate against any employee of the County or applicant for County employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.

#### **Covered Employees**

Full-time or part-time (half-time or more) regular, probationary, and trainee employees are eligible for military leave.

Temporary and part-time (less than half-time) are not eligible for military leave.

#### **Types of Military Leave**

The policy and guidelines that follow are presented in six different subsections to differentiate between the benefits applicable to the different types of leave. The sixth subsection covers reinstatement.

- A. Active Duty Training and Inactive Duty Training
- B. Physical Examination
- C. Reserve Active Duty
- D. Extended Active Duty and Other Military Leave without Pay
- E. Civil Air Patrol and County Defense Militia
- F. Reinstatement

#### **A. ACTIVE DUTY TRAINING AND INACTIVE DUTY TRAINING**



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### 1. Leave Options

Leave with pay, up to a maximum of 90 hours each calendar year (prorated for part-time employees) shall be granted to members of the uniformed services for:

- (a) Active duty for training (annual training or special schools, including an authorized training program for the National Disaster Medical System)
- (b) Inactive duty training (drills - usually on weekends)

If the drill is not scheduled on the employee's off-day, the employee has the option of requesting that the work schedule be rearranged, or the employee may use any unused portion of the 90 hours leave with pay, vacation leave or leave without pay.

Additional military leave needed for training shall be charged to vacation leave or leave without pay at the discretion of the employee.

When a military obligation is less than 31 days an employee is authorized eight (8) hours recoup time before and after performance of military duties or military training. This time may also be charged to the 90 hours leave with pay, leave without pay or vacation leave. Example: An employee may be scheduled on a Friday, to take a convoy to a specific site. If significant travel is required, the employee may need to be released early on the day before training in order to accommodate the request for travel and reasonable rest. The employee is to return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8- hour rest period. If an employee has accrued holiday or compensatory time, it shall be taken before vacation leave.

### 2. Notification

The County may require the employee to provide notification of upcoming duty and/or schedule changes as soon as known.

## **B. PHYSICAL EXAMINATION**



Leave with pay shall be granted for a required physical examination relating to membership in the uniformed services.

### **C. RESERVE ACTIVE DUTY**

#### **1. Compensation**

When ordered to State or Federal active duty, or as an intermittent disaster-response appointee upon activation of the National Disaster Medical System, the following shall apply for each period of involuntary service:

(a) Members shall receive up to thirty (30) calendar days of pay based on the employee's current annual County salary. This includes special activities of the National Guard, usually not exceeding one day, when so authorized by the Governor or their authorized representative.

(b) After the thirty-day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee's annual County salary, if military pay is the lesser.

When attending special activities of the National Guard, members shall receive up to one day of pay, when attendance at the special activity is authorized by the Governor or their authorized representative.

It is assumed that an employee had at least satisfactory performance when placed on military leave; therefore, any cost-of-living adjustment should be included in the differential pay. The addition of career growth adjustments or performance bonuses is determined in the same manner as any employee on leave without pay. If an employee was otherwise not entitled to any benefits conferred by law because of unsatisfactory job performance supported by the previous rating on a performance appraisal, the employee does not become eligible to receive those benefits simply by being placed on military leave.

#### **2. Notification Required for Full Pay or Differential Pay**

The County shall require the employee, or an appropriate officer of the uniformed service in which such service is performed, to provide



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written or verbal notice of any service. For periods eligible for military leave with differential pay, the County shall require the employee to provide a copy of their Leave and Earnings statement or similar document covering the period eligible for differential pay.

### 3. Leave Options

Prior to the 30 days of full pay and the differential pay, the employee may choose to have accumulated vacation leave paid in a lump sum (maximum of 240 hours of vacation leave), exhausted, or retained (part or all) until return. The employee shall retain any unused sick leave.

FLSA Non-Exempt employees may exhaust any compensatory time prior to exhausting leave or it may be paid in a lump sum.

### 4. Benefits

(a) **Service Credit** - During the period of reserve active duty, whether receiving full County pay, differential pay, or no pay, the employee shall not incur any loss of total County service.

(b) **Longevity** - If eligible, the employee shall continue to be paid longevity payments during the period of reserve active duty.

(c) **Leave** - The employee shall continue to accumulate sick and vacation leave. If the employee does not return to County employment, vacation leave earned while on reserve active duty will be paid in accordance with the Vacation Leave Policy.

(d) **Retirement** - The employee shall receive retirement service credit for periods of service authorized in the Retirement System statute. (See Retirement System Handbook for further details.)

(e) Effective July 1, 2009, differential pay meets the statutory definition of "compensation" for retirement purposes. Thus, retirement contributions should be reported to the Retirement System on differential pay.



(f) **Health Insurance** - When on State duty, the County continues to pay for health coverage for members of the National Guard. When on Federal active duty, the County will pay for coverage in the County's Health Plan for at least 30 days from the date of active service pursuant to the orders. Partial premiums are not accepted; therefore, if a full premium is paid to cover a partial month, coverage will also continue to the end of that month. If the employee chooses to exhaust vacation leave, the County also pays for coverage while exhausting leave.

#### **D. EXTENDED ACTIVE DUTY AND OTHER MILITARY LEAVE WITHOUT PAY**

Military leave without pay shall be granted for all uniformed service duty that is not covered by military leave with pay. Among the reasons are:

1. Initial active duty for training (voluntary initial enlistment);
2. Extended active duty (voluntary) for a period not to exceed five years plus any additional service imposed by law; (see Advisory Note on next page)
3. Full time National Guard duty (usually a voluntary 3-year contract);
4. While awaiting entry into active duty, such period as may be reasonable to enable the employee to address personal matters prior to such extended active duty.
5. The period immediately following eligible period(s), as defined under "Reinstatement" of this policy, while reinstatement with County government is pending, provided the employee applies for such reinstatement within the time limits defined. It is the employee's responsibility to apply for reinstatement within the defined time limit.
6. Employees hospitalized for, or convalescing from, an injury or illness incurred in, or aggravated during the performance of extended active duty, except that such period shall not exceed two years beyond their release from extended active duty under honorable conditions. Also, the employee shall be entitled to leave without pay for the period from the time of



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release by the physician until actually reinstated in County employment, provided the employee applies for such reinstatement within the time limits defined.

7. Duties resulting from disciplinary action imposed by military authorities;
8. Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.

Agencies are not required to excuse an employee for incidental military activities such as volunteer work at military facilities (not in duty status), unofficial military activities, etc., unless otherwise permitted by this policy.

The following types do not count toward the cumulative 5-year limit of military service a person can perform while retaining reemployment rights.

1. Unable (through no fault of the individual) to obtain release from service or service in excess of 5 years to fulfill an initial period of obligated service.
  - a. Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining, or
  - b. Service performed during time of war or national emergency or for other critical missions/contingencies/military requirements.

### **Notification**

The County shall require the employee, or an appropriate officer of the uniformed service in which such service is performed, to provide written or verbal notice of service.

### **Leave Options**

Prior to going on LWOP, the employee may choose to have accumulated vacation leave paid in a lump sum (maximum of 240 hours of vacation leave), exhausted, or retained (part or all) until return. The employee shall retain any unused sick leave. FLSA Non-Exempt employees must exhaust any compensatory time prior to exhausting any other leave or it may be paid in a lump sum





**Benefits Service Credit** - During periods eligible for military leave without pay, the employee shall continue to earn time toward total County service if reinstated within the time limits outlined in the Reinstatement Section.

**Longevity** - If eligible, a longevity payment computed on a prorated basis shall be paid. The balance will be paid when the employee returns and completes a full year. Then, a full payment will be made on the employee's longevity date that was established before going on leave without pay.

**Leave** - The employee shall not accumulate vacation or sick leave. Leave is earned only when the employee is on leave with pay or on reserve active duty.

**Retirement** - The employee shall receive retirement service credit for periods of service authorized in the Retirement System statute. (See Retirement System Handbook for further details.)

**Health Insurance** - The County will pay for health insurance coverage for at least 30 days from the date of active service pursuant to the orders. If the employee chooses to exhaust vacation leave, the County also pays for coverage while exhausting leave. Partial premiums are not accepted; therefore, if a full premium is paid to cover a partial month, coverage will also continue to the end of that month.

### E. CIVIL AIR PATROL AND COUNTY DEFENSE MILITIA

#### 1. Civil Air Patrol

While the Civil Air Patrol is not a reserve component, it is an auxiliary to the Air Force. Its members are not subject to obligatory service. When performing missions or encampments, authorized and requested by the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary, Department of Crime Control and Public Safety, its members are entitled to military leave with pay not to exceed 90 hours (prorated for part-time employees)



in any calendar year. Exceptions may be granted by the Governor. Such service may be verified by the Secretary of the Department of CCPS upon request by the County. Regularly scheduled unit training assemblies, usually occurring on weekends are not acceptable for military leave, however, employing agencies are encouraged to arrange work schedules to allow employees to attend this training.

### **2. State Defense Militia**

The State Defense Militia is considered a reserve to the National Guard, but it is not a reserve component of the U. S. Armed Forces. Its members are not subject to obligatory service unless they are assigned to a unit that is ordered or called out by the Governor. Only under the following conditions are County employees entitled to military leave with pay:

- a) Infrequent special activities in the interest of the State, usually not exceeding one day, when so ordered by the Governor or their authorized representative
- b) State duty for missions related to disasters, search and rescue, etc., again, only when ordered by the Governor or their authorized representative.

Under these conditions, an employee may be granted military leave not to exceed 90 hours (prorated for part-time employees) during any calendar year.

Caswell County employees who are members of the State Defense Militia are not entitled to military leave with pay when volunteering for support of functions or events sponsored by civic or social organizations even though such support has been “authorized.”

Regularly scheduled unit training assemblies, usually occurring on weekends, are not acceptable for military leave; however, departments are encouraged to arrange work schedules to allow the employee to attend this training.

Duty status may be verified with the Office of the Adjutant General, North Carolina National Guard, ATTN: Vice Chief of Staff - State Operations (VCSOP).



## **F. REINSTATEMENT**

### **1. Reinstatement**

The County is required to provide the same treatment that would have been afforded had the employee not left to perform uniformed service. (This includes temporary employees.)

Reinstatement shall be made if the employee reports to work or applied for reinstatement within the established time limits, unless the service was terminated by the occurrence of either of the following:

- a) A separation with a dishonorable or bad conduct discharge.
- b) A separation under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary of the applicable military branch.

Employees who resign to enter military service without knowledge of their eligibility for leave without pay and reinstatement benefits, but who are otherwise eligible, shall be reinstated as if they had applied for this benefit.

### **2. Time Limits**

The employee shall be responsible for returning, or making application for reinstatement, within the time limits defined below.

The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for reemployment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or applying for reemployment are as follows:

- a) Less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8-hour rest period;



- b) More than 30 days but less than 181 days, must submit a written or verbal application for reemployment with the agency not later than 14 days after the completion of the period of service; or,
- c) More than 180 days, by submitting an application with the agency not later than 90 days after the completion of the period of service.

### **3. Reinstatement Position**

Reinstatement shall be to the position they would have likely achieved had they remained continuously employed (escalator position); or, if the period of uniformed service was in excess of 90 days, their escalator position, or one of like seniority, status and pay, such reemployment is to be promptly effective.

If, during military service, the employee suffers a disability incurred in, or aggravated during, uniformed service, to the extent that the duties of the escalator position cannot be performed, the employee shall be reinstated to a position most nearly comparable to the escalator position, with duties compatible with the disability and without loss of seniority.

### **4. Reinstatement Salary**

The employee's salary upon reinstatement shall be based on the salary rate applicable to the proper escalator position. In no case will the reinstated employee's salary be less than when placed in a military leave status. If the employee was in trainee status at the time of military leave, the addition of trainee adjustments may be considered, at the discretion of the Department Head and County Manager, if it can be determined that military experience was directly related to development in the area of work to be performed with the County. The addition of trainee adjustments must be made if it can be shown that progression within or through such status is based merely upon the passage of time with satisfactory performance.



## APPENDIX J. SOCIAL MEDIA POLICY

### FIRST STEPS

So...you want to open a Twitter, Facebook, Flickr, Blogger, Google Docs, Picasa, Zoho and LinkedIn or another social media account. In order to open a social media account, you must:

1. Advise your direct Supervisor and Department Leader that you are interested in creating a social media account. **You should have clear goals and strategies as well as a defined target audience. You also should know what types of information you will post (images, news releases, quick news items, event information, data/statistics, last-minute alerts, etc.).**
2. Sign and submit the county's Social Media Policy Agreement. In summary, it states that you, the employee, and any others involved with the account will abide by the rules and guidelines stated in this policy. The Department Leader is also required to sign the agreement.
3. Work with IT to obtain a special county email address to use for your account and to work with you on a solution to back up your postings for public record requirements.
4. Once you have approval to proceed, open your account with the special county email address.
5. Make sure that you provide your login and password information to your direct Supervisor and Department Leader, who will maintain a master directory for monitoring and emergency purposes. Your direct Supervisor and Department Leader must be notified of any login or password changes.
6. Strongly consider using one of the following social media because IT has software that would allow you to back up posts to comply with public records retention requirements: Twitter, Facebook, Flickr, Blogger, Google Docs, Google sites, Google Calendar, Gmail, Google contacts, Picasa, Zoho and LinkedIn.



Otherwise, departments will have to work with IT on how to back up postings manually.

### THE RULES

Remember that you are posting information as a county representative. All information must be pertinent, useful, job-related, professional, and appropriate to Caswell County government, and within your authority to share and distribute. Social media is living media—constantly changing to improve interaction and usage. Thus, the social media policy will **evolve** over time to adapt to new tools and facets. Accordingly, this policy will change and it is your responsibility to stay updated on changes to the policy and rules.

#### Public Comments

With the exception of Twitter, remember that you are responsible for making sure that any social media accounts that allow public comment are monitored to ensure compliance with the rules for public comment stated in this policy on page 4 as a required public disclaimer.

- **Facebook:** Should you decide to have a Facebook account, it should be set up as a business/organizational account with a page and ‘likers’ (formerly fans), not ‘friends’ that you have for personal account. Make sure that your **privacy settings** are stringent so that you do not allow any posting by ‘likers’ (your opt-in users). Any postings by Facebook ‘likers’ (formerly fans) are public record and have to be maintained as such (see pages 3-4). While the purpose of social media is to engage, this will help limit interaction in the interest of time and unnecessary conversation. **However, it is important to note that ‘likers’ can post *in response* to your postings, so these public comments must be maintained as a public record.** Facebook is ever-evolving, as are the other social media resources. Due in part to the nature of Facebook, County accounts that are functioning as of the date of



inception of this policy may be grandfathered as to how the account was initially set up and organized. This will not prohibit the implementation of new accounts or additional administrators moving forward.

- **Twitter:** Using Twitter, your followers can respond to you and you are unable to delete their postings. Any replies (mentions) from followers do not appear on your Twitter page, but people can do a search and find replies to you. As to direct (private) messages to or from your followers, they also do not appear on your Twitter page because they are not visible publicly at all. You also can't delete another person's direct messages to you. The fact that followers' tweets to you do NOT appear on your Twitter page makes oversight of Twitter less complicated than most other social media, but you do have to be consistent about checking any replies to see if there are some that require follow up.
- **Blogs:** With blogs, the public can comment but you can adjust your settings so that you must authorize their comments before they are posted.
- **YouTube:** When uploading videos, you should use the option to **NOT** allow public comments on the video.
- **Others:** You will find a wide range of options in terms of being able to allow or not allow public comments. We strongly encourage you not to allow them unless software from IT will allow you to back up your posts as well as public posts. Make sure you have the time to adequately monitor them and ensure compliance with public records and the rules for public comments.
- **Cross-Connecting Accounts to County Website:** Before setting up any social media account to auto feed postings, such as tweets or Facebook notes, to your county webpages ([www.caswellcountync.gov](http://www.caswellcountync.gov)), please contact the IT Director first. This can create technical or content conflicts.





### **Account Access & Use**

Decide with your Supervisor whether to include **your name** in addition to your department/division name in your blog or Twitter accounts and postings. In some cases, you will have **multiple authorized users** posting information from your department. Most likely, if you are managing a Facebook profile, you will register the county email address for the account to create the page/profile and you will likely be an administrator via your personal Facebook page (this eliminates logging in and out between professional and personal accounts). Keep in mind that while there will be some element of activity (reading, browsing) while on your personal site, **you are not authorized to post to your personal page during work hours**. For example, while administering the department page, do not update your personal status, accept friend or page requests, upload your vacation photos, etc. at the same time. As you are likely aware, social media tools, just like email messages, have timestamps. There will be overlap between your personal and professional relationships and you may want to post a quick hello or note to a friend, but.... don't do it. Such posting is a violation of this policy.

### **Personal Accounts**

Do not use your personal accounts to interact with county or county-related business contacts and never use the county account to interact with personal contacts. Furthermore, do not follow or add pages/profiles that are not work-related. For example, for your work Twitter account, do not follow your favorite celebrity, politician or corporation. Only respected celebrities, approved by the Department Leader, with documented involvement in a related cause, such as diabetes prevention, should be followed. Please see the links below in **Related Resources and Links** that outline how the first amendment relates to government employees.





### **Passwords**

If an employee with access to the account leaves county employment, the department must ensure that passwords are changed immediately. On Facebook, the employee must be removed as an admin for the account. This allows the main county email address used to open the account to remain the same (info@, support@, etc.). The account holder(s) shall be generic rather than specific to the department/division. Passwords generally should be changed periodically for security purposes, as directed by IT.

### **Considerations Before Starting an Account**

In the interest of time, consider what level of experience and time you and your department/division have available for adding social media to the work you do.

- How much extra work will it be?
- How much will it impact your current work?
- Do you need to utilize all the social media options or would one be more appropriate for your department/division?
- Do you feel comfortable using the social media tool(s) selected? Do you need training or coaching?
- How many staff will be managing the account? Do all of them have the training and judgment to effectively and appropriately manage the account?
- Can you update it regularly? Social media tools are not once-in-a-while projects. You obviously need not post constantly; however, these tools do require regular updates to maintain interest.
- Can you monitor it regularly? Even when you are not posting, the account should be monitored for comments, questions, spam, hacking, etc. Some local governments' social media pages have been hacked or filled with spam for long periods before someone corrected the problem. Or someone may have left inappropriate or vulgar comments on the page that should have been deleted.



### **Public Records: Public Comments & Record Retention**

Like email, communication via government-related social networking sites is a public record. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including the public, **become part of the public record** if they are posted on the county's social media page. The length of time that the records must be kept varies based on the type of information posted and the rules are this are still evolving through case law.

Account administrators who receive messages through the private message service offered by some social media sites, including direct messages through Twitter, should encourage users to contact the account administrator at a county email address maintained by their department. Any private messages received through a social media account should be treated the same as constituent emails and, therefore, as public records. Account administrators or other authorized staff members should reply using their county government email account whenever possible.

All employees are required to assume responsibility for public records and comply with the retention period under the NC General Statutes. Any department with a social media account should contact IT to set up a site retention schedule and retention system using provided software. **It is important to note that records retention software to back up social media accounts will only work for:** Twitter, Facebook, Flickr, Blogger, Google Docs, Google sites, Google Calendar, Gmail, Google contacts, Picasa, Zoho and LinkedIn. You will have to keep your own backup records of any other types of social media, so we will be more reluctant to approve other accounts unless you have a clear records retention plan in place.

Below is an excerpt written by Frayda Bluestein from the UNC School of Government. While it mentions Facebook, the same would apply for other social media that allow posted messages or comments from the public and such social media would have to follow the same rules:



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*You should assume that electronic records you create as part of a government Facebook page are **public record**, since they are created “in connection with the transaction of public business” by your public agency. (See G.S. 132-1). That doesn’t mean, however, that you can’t delete inappropriate messages. Facebook has rules about that, and you can create your own reasonable, viewpoint neutral rules when you set up the pages. There are First Amendment issues that arise when you establish a “forum” for communication, which you essentially do when you allow comments on your page.*

**It is especially important NOT to remove or censor comments simply because they are critical of you, your department, county officials, or any other aspect of county government or because you personally disagree with them.** However, you are allowed to delete inappropriate comments or replies as described in the required disclaimer for all social media accounts set out on the next page, which includes the types of comments that can be deleted. It is very important that you follow these rules closely to avoid the perception of bias in deleting comments due to their viewpoint. See Required Public Rules & Disclaimer on page 4 for a list of comments or posts that may be deleted. Another helpful guide comes from the N.C. Archives and Records, Government Records Branch on best practices for government social networking sites. [http://www.records.ncdcr.gov/guides/best\\_practices\\_socialmedia\\_usage\\_20091217.pdf](http://www.records.ncdcr.gov/guides/best_practices_socialmedia_usage_20091217.pdf)

### **When in Doubt...**

Check with your Supervisor or Department Leader before posting information if you are uncertain about its relevancy or accuracy. Do the same if you are uncertain about deleting public comments. You can also check with the Human Resources Director. Social media is very timely and you may experience a delay in getting feedback, but try to be patient. While most people can undo or remove a posting, we don’t



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want to unnecessarily and inadvertently distribute misinformation or create other unintended outcomes.

### **Required Public Rules & Disclaimer**

Any Caswell County social media accounts **MUST publicly post** the language below as the Public Rules & Disclaimer in a visible location on the main page of your account. **HOWEVER**, if the language below is too long for your social media account, such as the short profiles for Twitter, we have provided links to the full text that you can use with no other option available.

- Link to Social Media Public Rules & Disclaimer:  
<https://www.caswellcountync.gov/pview.aspx?id=36833&catid=599>

- Link to Twitter Account Public Rules & Disclaimer:  
[CC Twitter Disclaimer](#)

#### **A. Public Rules & Disclaimer for All Social Media Accounts (Other Than Twitter):** Post the language below in a visible location on your social media pages or profiles or use the link above if no other visible option.

“The purpose of this site is to provide Caswell County residents and visitors with timely information about \_\_\_\_\_ (*insert brief summary here*) \_\_\_\_\_. Because representatives of Caswell County government communicate through this site, any communications posted on this page, including comments or questions posted by the public may be subject to the North Carolina Public Records law.

We value your comments and questions, but Caswell County may not be able to address all of them through this site. Please visit <http://www.caswellcountync.gov> for contact information on specific issues.



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Any communications posted here by someone other than an official representative of Caswell County government is solely the view and opinion of the author, not Caswell County, any members of its staff, or any public official.

Once posted, Caswell County reserves the right to delete public submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any group of people because of some shared characteristic. Any comments viewed as threatening, libelous, or harassing are prohibited and subject to deletion. Further, Caswell County also reserves the right to delete comments that contain the following:

- a. Spam, advertising or links to other sites
- b. Content that is clearly off topic and/or disruptive
- c. The promotion of any illegal activity
- d. Promotions for any particular services, products, or political organizations
- e. Copyrighted or trademarked material
- f. Personal identifications, such as addresses, phone numbers or other personal information

**B. Public Rules & Disclaimer for Twitter Accounts:** Since Twitter does not provide a way to post lengthy information your profile page, you must create a link to the language below posted elsewhere (such as departmental webpage) or use the link provided above to a webpage on the county website.

“The purpose of this Twitter account is to provide Caswell County residents and visitors with timely information about     (insert brief summary here)    . Because representatives of Caswell County government communicate through this site, any communications posted on this page, may be subject to the North Carolina Public Records law, **including direct messages to and from this account.**



We value your comments and questions, but Caswell County may not be able to address all of them through this site. Please visit <http://www.caswellcountync.gov> for contact information on specific issues.

Any communications posted here by someone other than an official representative of Caswell County government is solely the view and opinion of the author, not Caswell County, any members of its staff, or any public officials.”

### **Roles**

*You have been given authority to post information that is work-related. It is a responsibility and a privilege.*

- **IT** – Provides network security and privacy, creates special email address for social media, monitors use of county equipment for social media, and provides technology records retention.
- **County Manager** – Provides final approval of accounts.
- **Department Leader** – Initial approval of accounts, compliance with policy, guidance on postings and deletion of postings as needed. Serves as primary contact person and maintains list of social media pages/profiles/accounts and passwords for their department, monitors and enforces social media policies.
- **Human Resources** – Provides backup guidance on appropriate postings and personnel-related postings.

### **Security & Downloads**

**Do not download or add applications** to Facebook or other social media accounts that would be considered non-business tools (Farmville, Donate to a Cause, etc.). If you identify a tool or application you want to use, such as RSS feed tools, get approval



first from IT. This practice reduces the risk of downloading malware, viruses, etc., especially from applications that are not created by the social media site.

You may request software from IT to manage social media accounts (Tweetdeck, UberTwitter, etc.) and other applications that they have pre-approved. Many of these software options are free and they make managing multiple accounts simpler, but some are better than others. They are also designed to reduce work for you. You can create an original blog post or an image from one social media site and it will be posted on each of the ones for which you have accounts (e.g., Facebook to Twitter).

### **Use of County Time & Equipment**

It is a mutual understanding between you and your Supervisor that your time spent on social media will be entirely work-related, including use of county-issued laptops and county-issued mobile phones. Your Supervisor and IT will monitor usage periodically. The County Manager or her/his designee has the authority to conduct random audits of social media accounts.

### **What I Can and Can't Post**

#### ***Yes***

- Useful, factual, pertinent information

#### ***No***

- Religious information
- Politically slanted information or political organization information
- Personal or departmental opinions
- Fundraising for events not associated with Caswell County Government
- Use of copyrighted materials (logos, graphics, music, art, photographs, video or text).



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- Images of people without their written permission (see page 7).
- Inappropriate, defensive, aggressive, and/or threatening response to a negative response from one of your fans/followers.

Certainly, there will be gray areas and you might not be sure if it is okay to post. If any doubt at all, please seek a second opinion from your Department Leader or Human Resources Director.

### **Other Posting Commitments:**

- **Avoid customer arguments:** People will disagree with the department's views or your personal perspective...or they will criticize services or decisions in some way. It will happen. Do not engage them in a debate or argument about who is right or wrong. Clarify the department's position or points, but do not argue with them in any way.
- **Stick to your area of expertise.** This information is shared with a large audience and will be archived for years. Take the roles & responsibilities seriously.
- **Be transparent:** Write honestly and always identify yourself. Anonymous postings are not allowed.
- **Stick to the facts:** Stay away from posting anything that is unconfirmed (rumors) or providing facts/figures that you have not verified.
- **Reserve breaking news for other media sources:** If you know of a "hot" news item of interest to the public, do not announce it on social media first. Contact your Department Leader and the Community Relations Director first to see if it should go out as a news release and/or county website first.





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- **Consider consequences:** You are sharing public information. Are you willing/able to back up what you say to your Supervisor? To elected officials?
- **Never address personnel issues.... EVER:** These are protected by state law and you could end up in court. This includes personal or health information, disciplinary actions, and other personnel related issues.

### **Tone**

In local government we are accustomed to speaking and writing professionally, authoritatively, and officially. Social media tools are conversational. Consider keeping your tone light and engaging but not so casual that you might offend, offer double entendres, or fail to accurately convey your intent or the information. We're not trying to take the fun away, but just ask that you find a balance to reach your contacts without getting into situations that would lead to controversy or escalate into having to take your account offline. Always use common sense and always feel comfortable asking for a second opinion if you need it.

Keep in mind, too, that you should not veer from 'county-speak' in the sense that you are a representative of Caswell County government. As such, no communication should contradict other guidelines and policies already in place. Posts should not include endorsements, opinions, perception of favoritism toward a specific organization or group, political statements, etc.

### **Photo or Image Usage**

Any photographs or videos using identifiable images of local residents require a signed release form. More information and a sample form can be found at: [www.caswellcountync.gov](http://www.caswellcountync.gov), "Human Resources" tab. The form should be signed by the individual or the parent or guardian of anyone 20 or younger.



If you using photos taken at an event where participants must register in advance, one alternative is to include photo release language in the registration form. However, you must still obtain a signature of the person or the parent/legal guardian.

### **More about Facebook**

- All county department pages must be Facebook business/organizational profiles; that is, the account must be a page and not a personal (friend) profile. This means you would have ‘likers’ instead of friends of your Facebook account.
- All Favorite Pages (these are similar to links on a website—These link to other business or organization profiles) must be relevant. Similar to Twitter and who you follow, you must only designate a business or organization profile as a Favorite Page that represents a business or organization with which you work in a professional capacity.
- Facebook allows you to create tabs with links to other pages. This should be used to post the Social Media Public Rules & Disclaimer, but please call attention to it from your initial page.

### **Creation of User Accounts on Non-County Social Media**

County employees and departments should not sign up and post in a county role as a member or user of general public bulletin boards, listservs, etc., especially those open to comments from the public on any topic. Many of these allow anonymous postings with few rules, creating an atmosphere that fosters misinformation and inflammatory conversation. Even if not anonymous, these types of social media are NOT effective options to communicate official county business. **Also, any postings you make where you are identified as a county representative are a public record** and subject to the same rules noted in this policy related to public records retention.



Because of these issues, do not create any account on this type of social media using a county email address, or post county business without prior approval of the Department Leader.

It is important to distinguish the difference here between general public bulletin boards or listserves and those you join for professional reasons or with restricted, identified members, such as a bulletin board for tax professionals, a Facebook page for the National Recyclers Association or a listserv for building inspectors. The social media policy does not apply to those types of membership accounts.

### **Content Removal, Account Termination & Employee Violations**

The Department Leader, County Manager, or the Human Resources Director have the right to terminate the account if not managed according to this Policy and the Social Media Agreement. Any employee(s) creating an account identified as a Caswell County account without prior approval from their immediate Supervisor and Department Leader and a signed Social Media Agreement Form may be subject to disciplinary action up to and including dismissal. Other violations of this policy by posting inappropriate content and other major violations may be subject to disciplinary actions, including dismissal. In consultation with the Department Leader, the County Manager or Human Resources Director has the right to remove inappropriate content without prior notices to the employee.

### **Related Resources and Links**

- <http://canons.sog.unc.edu/the-first-amendment-and-facebook-rants-a-case-example/>
- <http://sogweb.sog.unc.edu/blogs/localgovt/?p=1970>
- <http://canons.sog.unc.edu/the-first-amendment-and-government-employees/>
- <http://mashable.com/2010/05/18/rules-social-media-engagment/>



## **APPENDIX K. INCLEMENT WEATHER POLICY**

This policy provides guidance for the notification of Caswell County employees of delays and/or closings of government facilities in a timely manner. Caswell County is committed to the safety of and security of its employees, citizens, visitors, and customers. As such, the decision to delay or close operations, activities, or events will be based on overall concern for the safety and security of Caswell County employees and the general public. Whenever possible, Caswell County will advertise what services are available to citizens during times of inclement weather on the Caswell County website and the Caswell County Facebook site.

### **PROCEDURE-NOTIFICATION OUTSIDE THE NORMAL WORKDAY**

- The Emergency Services Director (EMD) or appointee will consult with Caswell Public Schools, D.O.T., Sheriff's Office, etc., about travel conditions throughout the county.
- The EMD will stay in contact with other departments charged with responding to adverse weather conditions (EMS, Sheriff's Office, and Maintenance Department) regarding all County facilities in advance of and during adverse weather alerts and conditions. This will ensure appropriate and timely preemption response.
- An announcement about the workday will be made by the County Manager no later than 6:30am on the workday. Any necessary changes that occur after that time will revert to the workday option below.
- The EMD will call the County Manager between 5am and 6am to verify road and parking lot conditions in case of adverse weather.
- Based on details regarding County buildings, safety issues, and weather conditions from the EMD, the County Manager will make a decision on the delayed opening or closure of County offices.
- The Manager will call the Clerk of Superior Court to coordinate the delay or closing of state offices within the County.
- The Manager will contact the Public Information Officer (PIO) immediately following discussion with the EMD and provide details



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regarding why the opening/closing decision was made for possible media inquiries.

- The PIO will post the delay or closure as well as what services are available to the public on the County’s website and Facebook page.
- The EMD or appointee will generate a notification to all County employees via the “CODE RED SYSTEM” by 6:30am.
- The PIO will notify the following television outlets by 7:00am:
  - **WFMY News 2**
  - **WGHP Fox 8**
  - **WXII Channel 12**
- The Manager will call the Board Chair to notify of delay/closing if Chair desires.
- County employees and citizens should log onto the County website or Facebook; or watch major television outlets to receive updates regarding the status of a delay or closing.
- In the absence of the Manager, the acting County Manager or Board Chair will act in the absence of the Manager. Others instrumental in disseminating delay/closing status information must designate an emergency back-up to serve in their stead should they be out of town, on vacation, or sick. The back-up must be available to facilitate their assignments should an emergency arise.

### **PROCEDURE-NOTIFICATION DURING WORKDAY HOURS (BETWEEN 8AM & 5PM MONDAY – FRIDAY)**

The notification process during workday hours is the same as the above steps for notification outside the normal workday with one additional step:

- The County Manager working in conjunction with the PIO will email all County employees advising the times and changes in the work day and any other special instructions.

Employees who are scheduled to work but do not report to work due to hazardous weather conditions will be charged for the entire day and will not receive Administrative Leave. Accumulated leave will be utilized in the following order:

- Compensatory Time
- Vacation



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- Sick
- Petty

Administrative leave may be granted to on-duty full-time and part time probationary and post-probationary employees during periods when the County Manager has closed the county offices because of adverse weather conditions. In order for an employee to be eligible for Adverse Weather Leave:

- The employee must be a regular employee (full time or part time working at least 20 hours per week and contributing to the retirement system).
- The day in which inclement weather alters the County offices' standard work day must be a day on which the employee would normally work.
- The hour during which the County offices are closed must fall within the employee's normally scheduled work day.

Part time non-regular and seasonal employees are not eligible for Administrative Leave. If an employee has already exceeded the hours of his/her normal workweek (i.e. 40 hrs.), the employee does not receive Administrative Leave for hours the County Offices are closed. If actual hours worked for the designated day are greater than the employee's normal work day, the employee does not receive Administrative Leave. Employees who have called in sick or have previously requested to be absent on the day(s) of closing will not receive Administrative Leave. Administrative Leave paid cannot exceed the time difference between early closing and the end of a normal work day. Essential employees in departments which cannot close will not receive Administrative Leave.

Essential Employees:

- All Emergency Services and Public Safety Employees
- Maintenance Department Employees



## **APPENDIX L. SHARED LEAVE POLICY**

In cases of a serious or prolonged medical condition, an employee may apply for or be nominated to become a recipient of leave transferred from the vacation or sick leave accounts of another County employee. For the purpose of this policy, a serious or prolonged medical condition is one that affects an employee or an employee's family members (spouse, parents, children, or other dependent living in the household) that is likely to require an employee's absence from duty. Participation in this program shall be voluntary, and under no circumstances will any intimidation, threat, or form of coercion be tolerated. Such action on the part of any County employee shall be grounds for disciplinary action.

In order to participate in the shared leave policy, an employee must be a regular, part-time or full-time employee who has completed one full year of service with Caswell County. In order to be a recipient of voluntary shared leave, an employee:

- Must have exhausted all vacation and sick leave
- May not receive Workers Compensation benefits
- Must be affected by a serious or prolonged medical condition

An eligible employee may apply or be nominated for shared leave at such time that medical evidence is available to support the need for leave beyond the employee's available accumulated leave. The County may require that a physician's statement describing the nature of the medical condition and the projected duration be submitted with the application. Prior to disclosing any medical information or status that is confidential under General Statute § 153A-98, the employee must sign a release form to allow the status to be made known for the purposes of receiving shared leave.

The Department Head shall have the authority to recommend for the County Manager's approval the application for and the transfer of voluntary shared leave from one employee to another. Each case will be examined and decided in its conformity to the intent of this policy. The County Manager may seek the advice of the Personnel





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Policy Committee in reviewing and making decisions on a particular case.

Both accrued sick and vacation leave are eligible for transfer from one employee to another, provided that the donor does not reduce their particular sick leave account balance below 30 days. There is no limit on the leave balance that the donor is required to retain for their vacation leave account. Leave may be transferred from one employee to another in blocks of no less than 4 hours and no more than 40 hours. One donor may transfer up to 40 hours to a particular recipient in a 12-month period. Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 30 calendar days to substitute for leave without pay.

At the expiration of the specific medical condition (as determined by the County), or at the separation of the recipient from County employment, any unused shared leave shall be credited back to the leave account of the last donor(s). Participation in this program shall be subject to the limit of 1,040 hours of shared leave that any particular employee may receive. Any extension of this maximum must be approved by the County Manager upon the recommendation of the Department Head.

It shall be the responsibility of the Department Heads and the County Manager to ensure the consistent administration of this voluntary shared leave policy. The County Manager, in conjunction with the Human Resources Office, shall be responsible for maintaining an accurate system of accountability of donated and used leave for the purpose of financial and management accounting and of monitoring compliance with this policy.





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## APPENDIX M. LEAVE ACCRUAL CHART

Accruals Schedule				YEARS OF SERVICE								
EMP %	ANNUAL HRS	WEEKLY HRS	DAILY HRS	TYPE OF LEAVE	VAC CODE	VACATION PLAN DESCRIPTION	0	2	5	10	15	20
100%	2080	40	8.00	VACATION	V1	VAC FT/ 40 HRS WK	6.64	8.00	10.00	12.00	14.00	16.00
				SICK	S1	SICK-FT/40 HRS WK	8.00					
				PETTY	P1	PETTY/ 40 HRS WK	11.00	(11 hours earned in January & 11 hours earned in July)				
100%	2272	24.00	24.00	VACATION	V7	VAC-EMS	8.65	10.38	12.98	15.57	18.17	20.76
				SICK	S7	SICK-EMS SICK LEAVE	10.38					
				PETTY	P1	PETTY/ 40 HRS WK	11.00	(11 hours earned in January & 11 hours earned in July)				
100%	2235	12.00	12.00	VACATION	V8	VAC-DEP/ JAILER /DISPATCH	7.06	8.47	10.59	12.71	14.83	16.94
				SICK	S8	SICK-DEPUTY / DISP / JAILER	8.47					
				PETTY	P1	PETTY / 40 HRS WK	11.00	(11 hours earned in January & 11 hours earned in July)				
88%	1830	35	7.04	VACATION	VF	VAC-PT / 35 HRS WK	5.81	7.00	8.75	10.50	12.25	14.00
				SICK	SF	SICK-DEPT / 35 HRS WK	7.00					
				PETTY	PF	PETTY / 35 HRS WK	9.68	(9.68 hours earned in January & 9.68 hours earned in July)				
80%	1664	32	6.40	VACATION	V2	VAC-PT / 32 HRS WK	5.31	6.40	8.00	9.60	11.20	12.80
				SICK	S2	SICK-PT / 32 HRS WK	6.40					
				PETTY	P2	PETTY / 32 HRS WK	8.80	(8.80 hours earned in January & 8.80 hours earned in July)				
75%	1560	30	6.00	VACATION	V3	VAC PT /30 HRS WK	4.98	6.00	7.50	9.00	10.50	12.00
				SICK	S3	SICK-PT / 30 HRS WK	6.00					
				PETTY	P3	PETTY / 30 HRS WK	8.25	(8.25 hours earned in January & 8.25 hours earned in July)				
70%	1456	28	5.60	VACATION	V0	VAC-PT / 28 HRS WK	4.65	5.60	7.00	8.40	9.80	11.20
				SICK	S0	SICK-PT / 28 HRS WK	5.60					
				PETTY	P0	PETTY / 28 HRS WK	7.70	(7.70 hours earned in January & 7.70 hours earned in July)				
63%	1300	25	5.00	VACATION	V4	VAC-PT / 25 HRS WK	4.15	5.00	6.25	7.50	8.75	10.00
				SICK	S4	SICK-PT / 25 HRS WK	4.96					
				PETTY	P4	PETTY / 25 HRS WK	6.93	(6.93 hours earned in January & 6.93 hours earned in July)				
60%	1248	24	4.80	VACATION	V5	VAC-PT / 24 HRS WK	3.98	4.80	6.00	7.20	8.64	9.60
				SICK	S5	SICK-PT / 24 HRS WK	4.80					
				PETTY	P5	PETTY / 24 HRS WK	6.60	(6.60 hours earned in January & 6.60 hours earned in July)				
50%	1040	20	4.00	VACATION	V6	VAC-PT / >20 HRS<24 HRS	3.65	4.40	5.50	6.60	7.70	8.80
				SICK	S6	SICK-PT / >20 HRS<24 HRS	4.40					
				PETTY	P6	PETTY / <20>24 HRS WK	5.50	(5.50 hours earned in January & 5.50 hours earned in July)				



## APPENDIX N. PAY PRACTICES / GUIDELINES / POLICIES

The purpose of this section is to document payroll guidelines and policies as determined by best practices for the operations of Caswell County in accordance with FLSA (Fair Labor Standards Act).

### SECTION 1: Public Safety Departments:

- **Sheriff's Department** - 12-hour shifts – 28 day pay cycle – 13 timesheets annually – 168/171 hours monthly, refer to FLSA 207(k) Exemption - Considered “Essential Personnel” under the “Inclement Weather Policy”
- **Detention Center** – 12-hour shifts – 28 day pay cycle – 13 timesheets annually – 168/171 hours monthly, refer to FLSA 207(k) Exemption - Considered “Essential Personnel” under the “Inclement Weather Policy”
- **Emergency Services** - 40-hour employees - pay rules are the same as all other 40 Hour Week Schedule employees - Considered “Essential Personnel” under the “Inclement Weather Policy”
- **911 Communications** – 12-hour shifts – any time worked over 40 in 7 day pay period OT will be paid. - Considered “Essential Personnel” under the “Inclement Weather Policy”
- **Emergency Medical Services** – 24/72 schedule – pay period is mid-month to mid-month: Beginning the Sunday after the 2<sup>nd</sup> Friday and Ending the Saturday after the 2<sup>nd</sup> Friday in the following month. - Considered “Essential Personnel” under the “Inclement Weather Policy”
  - There are 40-hour employees in these departments whose pay rules are the same as all other 40 Hour Week Schedule employees and may not be considered “Essential Personnel” by their department (Administrative Staff, Non-Patrol Deputies, EMS Director and EMS Deputy Director, 911



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Communications Director, School Resource Officers and Civil Officers)

- There are temporary part-time employees that are employed in the Public Safety Departments – these employees do not receive benefits, typically follow a similar schedule as full-time employees in the department and would receive overtime pay in accordance with the FLSA and the department in which they are assigned.
  - “Benefits” for this section – includes but is not limited to Accrued Sick Leave, Vacation Leave or Petty Leave and Holiday Pay.
- Public Safety Personnel that work at “After Hours Events” (i.e. patrolling Parks & Rec events) should be paid their regular rate of pay (to include overtime if earned) and that time paid should be charged back to the department that the Public Safety Personnel is working in at the “After Hour Event”.

### **Secondary Employment –**

In the event that an employee is employed in more than one department within the county, review and evaluation would have to be covered with HR prior to that employee taking a second position with the county. Employees working a second job (with county or other entity, to include self-employment) are required to complete an “Authorization to Work a Secondary Job” form. It is up to the employee to keep their direct supervisor informed of any secondary employment and such needs to be approved through the HR process.

- Whether the “secondary employment” is with Caswell County or with any other entity (including self-employment) the employee’s full-time position with the county should be considered their primary position and the work of the secondary position is not to interfere with the employee’s full-time position.
- The employee should be fully aware that they do not have to accept a secondary position with the county – it should totally be up to the



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employee to accept employment in an additional department or job within the county.

- Secondary employment with the county – if the primary and secondary jobs are “unlike” in responsibilities / duties one can be paid independently of the other, if the jobs are similar in duties, the rates of the jobs has to averaged and overtime would have to be paid for any hours worked over 40 in a designated workweek – the earnings for the secondary position (as well as overtime if applicable) should be charged to the department where the secondary position work was performed.

### **Full-Time Regular Pay –**

- Employees in this class receive their regular rate of pay:
- Those employees assigned to department / jobs that have a 40 hour a week schedule will be paid their regular rate of pay and any hours worked over 40 in a regular work week will be compensated at 1.5 the employee’s regular rate of pay.
- Those employees assigned to 12 hour shifts on a 28 day pay cycle will received their regular rate of pay up to and at the 171-hour threshold any hours worked over the 171 hours in a 28 pay cycle will be compensated at employee’s overtime rate (1.5 regular rate) for that time.

### **Regularly Scheduled Overtime Pay –**

- Regularly scheduled overtime applies to those employees who are in Caswell County’s Emergency Medical Services – Whether overtime is regularly scheduled or not the employee is to receive 1.5 pay for any hours worked over 40 in a given week.

### **Overtime Compensation-**

- Non- exempt employees assigned to a 40 hour a week schedule will be compensated at 1.5 times their regular rate for any hours worked over 40 hours in a given week.



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- Employees who are assigned to 12 hour scheduled days and a 28 day pay cycle follow the 207(k) Exemption – an employee in this class is compensated at their regular hourly rate of pay up to 171 hours. The hours over 168 and up to the 171<sup>st</sup> hour (to include the 171<sup>st</sup> hour) will be paid at the employee’s regular rate of pay. Hours over the 171<sup>st</sup> hour in a 28 day pay cycle will be compensated at 1.5 the employee’s regular rate of pay.

### **Holiday Pay –**

- 40 Hour / weekly full-time regular employees receive 8 hours holiday pay and are not scheduled to work on the holiday.
- To receive “holiday pay” the employee must be in “pay status” the last scheduled day before the observed holiday and the first day following the observed holiday.
- 12- and 24-hour full time regular employees receive 8 hours of holiday pay for each observed holiday. The employee does not have to be scheduled to work on the observed holiday or be in “pay status” the last scheduled day before the observed holiday and the first day following the observed holiday to receive this benefit.

**Petty Leave Pay** – See Appendix M for detailed information regarding Accrual Schedules.

**Sick Leave Pay** – See Appendix M for detailed information regarding Accrual Schedules.

### **Compensatory Compensation –**

- Non-exempt employees (under the FLSA and classified by CC as being so) will earn “Comp Time” for any hours that they work over the designated regular schedule (40 hours) for their assigned department.
- Within the Local Law Enforcement departments, the Sheriff may determine to pay employees for overtime versus earning “Comp Time”.



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- When the employee leaves employment with the county and they have earned “Comp time”, they are to be paid that time in their last paycheck from the county.
- When employees transfer from a non-exempt position to an exempt position they are to be paid any accrued “comp time” before transferring to the exempt position.
- The county’s standards for “Comp” time earned;
- Local Law Enforcement – 400 hours (FLSA states 480 hours)
- General Regular Employment – 200 hours (FLSA states 240 hours)

### **Flex Time Earned –**

- Exempt employees (under the FLSA and classified by CC as being so) will earn “Flex Time” for any hours that they work over the designated regular schedule for their assigned department.
- Exempt employees will be compensated hour for hour for any hours worked over 40 hours in a given week.

### **Administrative Leave –**

- Inclement Weather - Generally employees assigned to Public Safety departments are classified as “Essential Personnel” and will not receive Administrative Leave in the event of inclement weather conditions – unless directly instructed not to work their normal regularly assigned schedule.
- Administrative Leave can be used for reasons other than inclement weather, in those situations payment or non-payment will be dependent on a case by case basis.

### **On Call –**



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- Restrictive – (24 Hour Period) The activities of the employee, the location and time for response is limited to the employee basically ready to report, reply, and respond within 1 hour of being “called”.  
Employees should be compensated 4 hours for this time and if they have to report to duty they will be compensated the 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime.
- Non-Restrictive – (24 Hour Period) Where the employee’s activities are not restricted while on call, the employee must reply or response and on certain situations may have to report back to work.  
Employees should be compensated 1 hour for this time and if they have to report to duty they will be compensated 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime compensation.

### **Call Back –**

- If an employee is “Called Back” to work (after their normal shift assigned hours) they would receive 2 hours of compensation or the number of hours that they actually worked whichever is greater.
- The hours actually worked would go towards “hours worked” in calculating the employee’s overtime compensation.

### **Meal Break Pay -**

- Employees, who are assigned to 12- or 24-hour shift do not take a meal break (one is not deducted from their hours worked).
- Employee assigned to 40 hours a week schedule normally takes a 30 – 60-minute meal break that is deducted from their hours worked.

### **Canine Duty –**

- Sheriff personnel that are assigned to Canine Duty receives a flat rate of \$7.00 a day paid through payroll.

### **Vehicles –**

See Use of County Vehicles Policy – Appendix F



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### **Cell Phone –**

See Cellular Telephone Usage Policy – Appendix E

### **Uniforms –**

Refer to the Department’s Uniform Policy

### **Retirement –**

- Sworn Law Enforcement Officers (NCSRS – “LEOs” – Local Law Enforcement)
- Employees are classified “LGERS” Local Government within the NCSRS (a 6% mandatory withholding is deposited with the NCSRS from each pay period)
- Sworn Law Enforcement Officers receive 5% 401(k) mandatory contribution from county.

*See Accrual Schedule for hours accrued by employee’s schedule assignment.*

**ALL EMPLOYEES MUST SIGN OFF ON THEIR OWN TIMESHEET – THEIR SIGNATURE CERTIFIES THAT THE HOURS ON THEIR TIMESHEET IS CORRECT.**

**DEPARTMENTS HEADS AND SUPERVISORS SIGN OFF ON ALL THEIR EMPLOYEE TIMESHEETS, CERTIFYING THAT THE CORRECT TIME HAS BEEN RECORDED.**

### **SECTION 2: General Employment:**

- **Administration** - 40 Hour Week Schedule
- **Finance** - 40 Hour Week Schedule
- **Tax Office** - 40 Hour Week Schedule
- **Elections** - 40 Hour Week Schedule – Employs “Election – Poll Workers” See Secondary Employment - exception to “Comp” Time policy – per *Caswell County Board of Elections*
- **I.T.** – 40 Hour Week Schedule
- **Maintenance Department** - 40 Hour Week Schedule – Considered “Essential Personnel” under the “Inclement Weather Policy”
- **Building Inspections** – 40 Hour Week Schedule





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- CATS – 40 Hour Week Schedule – Receives State Funding – has to be “Grant Compliant”
- Landfill – 40 Hour Week Schedule – Opened on Saturday mornings – weekly schedules are adjusted during the week to avoid “comp” time being earned
- Planning – 40 Hour Week Schedule
- Soil & Water – 40 Hour Week Schedule
- Animal Control – 40 Hour Week Schedule – Services require “On-Call” time
- Family Services – 40 Hour Week Schedule – Services require “On-Call” time – Grant Funded Department
- JCPC – 40 Hour Week Schedule – Grant Funded Department
- Section 8 Housing - 40 Hour Week Schedule
- Library – 40 Hour Week Schedule –offers Evening & Saturday hours - weekly schedules are adjusted during the week to avoid “comp” time being earned
- Parks & Recreation – 40 Hour Week Schedule -weekly schedules are adjusted during the week to avoid excessive “comp” time being earned
- Farmer Lake – 40 Hour Week Schedule
- Department of Social Services - 40 Hour Week Schedule \*\*
- Health Department – 40 Hour Week Schedule \*\* - The clinic may require extended hours - weekly schedules are adjusted during the week to avoid “comp” time being earned

*\*\*See Notes on Department of Social Services and the Health Department (These departments are covered under the NC Department of HR policies)*

These departments operate on a 40-hour workweek, which begins Friday at 5:00 pm.

- There are temporary part-time employees that are employed in these departments in varying roles, these employees do not receive benefits, typically follow a similar schedule as full-time employees (would be scheduled less than the 40 hours in a work week) in the



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department and would receive overtime pay in accordance with the FLSA and the department in which they are assigned.

- There are temporary full-time employees that are employed in these departments in varying roles, these employees do not receive benefits, typically follow a similar schedule as full-time employees in the department and would receive overtime pay in accordance with the FLSA and the department in which they are assigned.
  - “Benefits” for this section – includes but is not limited to Accrued Sick Leave, Vacation Leave or Petty Leave and Holiday Pay.
  - The difference between “temporary part-time” and “temporary full-time” is the “temporary full-time” position has an established begin and end date of employment.
  - There are regular part-time employees that are employed in these departments in varying roles, these employees do receive benefits at a pro-rated percentage based on their number of hours they are scheduled to work per week and would receive overtime compensation in accordance with the FLSA and the department in which they are assigned. (*Refer to the Accrual Schedule*)

### **Secondary Employment –**

In the event that an employee is employed in more than one department within the county, review and evaluation would have to be covered with HR prior to that employee taking a second position with the county. Employees working a second job (with county or other entity, to include self-employment) are required to complete an “Authorization to Work a Secondary Job” form. It is up to the employee to keep their direct supervisor informed of any secondary employment and such needs to be approved through the HR process.

- Whether the “secondary employment” is with Caswell County or with any other entity (including self-employment) the employee’s full-time position with the county should be considered their



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primary position and the work of the secondary position is not to interfere with the employee's full-time position.

- The employee should be fully aware that they do not have to accept a secondary position with the county – it should totally be up to the employee to accept employment in an additional department or job within the county.
- Secondary employment with the county – if the primary and secondary jobs are “unlike” in responsibilities / duties one can be paid independently of the other, if the jobs are similar in duties, the rates of the jobs has to averaged and overtime would have to be paid for any hours worked over 40 in a designated workweek – the earnings for the secondary position (as well as overtime if applicable) should be charged to the department where the secondary position work was performed.
- Election / Poll Workers: Employees of Caswell County's other departments (other than Elections) have to be paid through payroll when working at the polls– averaging the two rates of pay and overtime has to be paid for any hours over 40 that the employee works in a designated workweek. The time working at the polls should be charged to Elections Department to include overtime if applicable. An employee can't take any type of paid leave, for the time worked at the polls – An employee can't be paid 2 times for the same period of time.

### **Full-Time Regular Pay –**

- Employees in this class receive their regular rate of pay:
- Those employees assigned to department / jobs that have a 40 hour a week schedule will be paid their regular rate of pay and any hours worked over 40 in a regular work week will be compensated at 1.5 the employee's regular rate of pay.

### **Overtime Compensation-**

- Non- exempt employees assigned to a 40 hour a week schedule will be compensated at 1.5 times their regular rate for any hours worked



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over 40 hours in a given week.

### **Holiday Pay –**

- 40 Hour / weekly full-time regular employees receive 8 hours holiday pay and are not scheduled to work on the holiday.
- To receive “holiday pay” the employee must be in “pay status” the last scheduled day before the observed holiday and the first day following the observed holiday.

**Petty Leave Pay –** See Appendix M for detailed information regarding Accrual Schedules.

**Sick Leave Pay –** See Appendix M for detailed information regarding Accrual Schedules.

### **Compensatory Compensation –**

- Non-exempt employees (under the FLSA and classified by CC as being so) will earn “Comp Time” for any hours that they work over the designated regular schedule (40 hours) for their assigned department.
- When the employee leaves employment with the county and they have earned “Comp time”, they are to be paid that time in their last paycheck from the county.
- When employees transfer from a non-exempt position to an exempt position they are to be paid any accrued “comp time” before transferring to the exempt position.
- The county’s standards for “Comp” time earned;
- General Regular Employment – 200 hours (FLSA states 240 hours)

### **Flex Time Earned –**



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- Exempt employees (under the FLSA and classified by CC as being so) will earn “Flex Time” for any hours that they work over the designated regular schedule for their assigned department.
- Exempt employees will be compensated hour for hour for any hours worked over 40 hours in a given week.

### Administrative Leave –

- Inclement Weather - Generally used for delayed openings, early closing or offices closed for the day. Employees assigned to the Maintenance department are classified as “Essential Personnel” and would not receive Administrative Leave in the event of inclement weather conditions – unless directly instructed to not work their normal regularly assigned schedule.
- Administrative Leave can be used for reasons other than inclement weather, in those situations payment or non-payment will be dependent on a case by case basis.

### On Call –

- Restrictive – (24 Hour Period) The activities of the employee, the location and time for response is limited to the employee basically ready to report, reply, and respond within 1 hour of being “called”.
  - Employees should be compensated 4 hours for this time and if they have to report to duty they will be compensated the 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime.
- Non-Restrictive – (24 Hour Period) Where the employee’s activities are not restricted while on call, the employee must reply or response and on certain situations may have to report back to work.



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- Employees should be compensated 1 hour for this time and if they have to report to duty they will be compensated 4 hours or actual hours worked whichever is greater and the time actually worked goes into the total number of hours for that pay period in calculating overtime compensation.

### **Call Back –**

- If an employee is “Called Back” to work (after their normal shift assigned hours) they would receive 2 hours of compensation or the number of hours that they actually worked whichever is greater.
- The hours actually worked would go towards “hours worked” in calculating the employee’s overtime compensation.

*\*\*See Notes on Department of Social Services and the Health Department (These departments are covered under the NC Department of HR policies)*

### **Meal Break Pay -**

- Employee assigned to 40 hours a week schedule normally takes a 30 – 60-minute meal break that is deducted from their hours worked.

### **Vehicles –**

See Use of County Vehicles Policy – Appendix F

### **Cell Phone –**

See Cellular Telephone Usage Policy – Appendix E

### **Uniforms –**

Refer to the Department’s Uniform Policy

### **\*\* Department of Social Services**

#### On Call Procedures:

- Employee who are “On-Call” are paid a flat rate;
- Daily, Weekend and Holiday Flat Rates are set by the department and approved by the Board of Commissioners.
- The standard is for a Social Worker to be on call as well as a Supervisor;



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- The flat rate paid is the same for the Social Worker as the Supervisor;
- Flat Rate is paid in addition to the employee’s regular monthly pay;
- There is a weekly schedule for rotation of “On-Call” personnel;
- If the Social Worker has to respond in person they would receive double time on their time sheet for the time that they were actually working.

### Flex Schedules Available:

- Employees are allowed to work “flex schedules”;
- These “flex schedules” require 40 hours a week worked;
  - On weeks with a Holiday or an Inclement Weather event, employees who normally would work a flex schedule their hours are an 8:00 am – 5:00 pm schedule.

## **\*\* Department of Health**

### On Call Procedures Personal Health Division:

- Employees who are “On-Call” are paid a flat rate set by the department and approved by the Board of Commissioners.
- This flat rate is an hourly rate for each hour that the employee is “On- Call” rotation and is paid on addition to the employee’s regular monthly pay;
- Personnel from the Personal Health Division are very rarely called back in to work – if they are they would record that time on their timesheet.

### On Call Procedures Home Health Division:

- Employees who are “On-Call” are paid a flat rate set by the department and approved by the Board of Commissioners.
- Personnel from the Home Health Division (Home Health Nurses) are compensated for the type of visit or service provided to a patient when responding to an “On-Call” situation;
- This rate is a per-call rate set by the department and approved by the Board of Commissioners.
- Flex time may also be accrued for responding when “on-Call”
- The flat hourly rate plus the visit fee is paid in addition to the employee’s regular monthly pay;



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(These employees are exempt and would accrue “flex” time.)

### Flex Schedules Available:

- Employees are allowed to work “flex schedules”;
  - There 2 varying types of “flex schedules” that are in place for Department of Health:
    - 4 – 10 hours shifts a week
    - 9 hours / daily with 30-minute lunch – will work 36 hours one week and 45 hours one week – earning 5 hours of “flex time” – which will be used for the 36-hour week - employee will have either every one Monday or Friday off.

### **Retirement –**

- Employees are classified “LGRS” Local Government within the NCSRS (a 6% mandatory withholding is deposited with the NCSRS from each pay period)

See Accrual Schedule for hours accrued by employee’s schedule assignment.

**ALL EMPLOYEES MUST SIGN OFF ON THEIR OWN TIMESHEET – THEIR SIGNATURE CERTIFIES THAT THE HOURS ON THEIR TIMESHEET IS CORRECT.**

**DEPARTMENTS HEADS AND SUPERVISORS SIGN OFF ON ALL THEIR EMPLOYEE TIMESHEETS, CERTIFYING THAT THE CORRECT TIME HAS BEEN RECORDED.**