

Halifax County PERSONNEL POLICY



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**Users are advised to contact Halifax County Human Resources Management for the most recent revision of the Halifax County Personnel Policy.*

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ARTICLE 1

ORGANIZATION OF PERSONNEL SYSTEM

Section 1.1 - Purpose

The purpose of this personnel policy is to establish a human resources system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an efficient and responsible work force, and provide the means for removal of unsatisfactory employees. This personnel policy is established under the authority of Chapter 153A, Article 5 and, for those employees subject to the State Human Resources Act, Chapter 126 of the General Statutes of North Carolina.

The County personnel policy contains standards relevant to employment with Halifax County. Employees are required to read and become familiar with and adhere to the contents of this personnel policy. All employees are expected to remain informed and compliant with current County policies and procedures. An employee's failure to remain knowledgeable of and compliant with County policies and procedures may lead to disciplinary action, up to and including termination of his/her employment. Accordingly, employees should refer to the personnel policy as frequently as needed to remain compliant with the content as stated. An employee's need for further clarification or information about the standards should be addressed by consulting with the employee's Supervisor, Department Head, or the Human Resources Management Director.

The policies and procedures in this personnel policy are designed to serve as guidelines for management action. They are not intended to create any contract or binding agreement between the County and any employee. Any individual may voluntarily leave employment upon proper notice or may be terminated by the employer. All policies and procedures outlined in this personnel policy are subject to change or modification at the County's discretion at any time that particular circumstances warrant.

This personnel policy is provided for informational purposes only. No provision or portion of the personnel policy constitutes an implied or expressed contract, guarantee or assurance of employment, or any right to an employment-related benefit or procedure. The Board of County Commissioners reserve the right to change, modify, eliminate or deviate from any policy or procedure in this personnel policy at any time by appropriately implementing necessary revisions.

Section 1.2 - Introduction

The governing body for Halifax County is the Board of County Commissioners, which is comprised of six members within the County. The Board of County Commissioners hold regularly scheduled meetings as well as special meetings, all of which are open to the public.

Section 1.3 - Coverage

All employees in the County's service, including employees of the Sheriff's Office and the Register of Deeds are subject to this personnel policy, except as provided in this section.

Elected officials, County Manager, Clerk to the Board, County Attorney, members of advisory boards and special boards and commissions, consultants, volunteers, and contract employees are exempt from all provisions of this personnel policy, except as specifically designated.

The following employees are covered only by specifically designated articles and sections:

1. Employees of Public Health and Social Services are governed by the North Carolina State Human Resources Act and are subject to all policies except Article II, The Position Classification Plan, and Article IX, Grievance Procedures and Appeal Policies.
2. Employees of the North Carolina Cooperative Extension Service who are employed with the County shall be subject to all policies except those pre-empted by State law.
3. Employees of the County Sheriff's Office and the Register of Deeds shall be subject to all policies except Article III, Recruitment and Employment, Article VIII, Separation, Disciplinary Action and Reinstatement, and Article IX, Grievance Procedures and Appeals Policies.
4. Employees of the Halifax County Board of Elections are covered by this policy to the extent that it is consistent with the agreement between the Halifax County Board of Elections and the Board of County Commissioners concerning personnel administration.

Section 1.4 - Merit Principle

All appointments and promotions shall be made solely on the basis of merit and qualifications. All positions requiring performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's

race, color, religion, sex, national origin, political affiliation, marital status, citizenship status, disability, genetic information, veteran status, age, or other legally protected status.

Due to the personnel and operational requirements of various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such regulations or procedures shall not in any way conflict with the provisions of this policy but shall be considered as a supplement to this policy.

Section 1.5 - Equal Employment Opportunity and Affirmative Action

In accordance with Section 126-16 of the North Carolina General Statute, "All state departments and agencies and all local political subdivisions of North Carolina shall give equal opportunity for employment, without regard to race, religion, color, national origin, sex, age, disability and

genetic information to all persons otherwise qualified”. Exceptions can be made when specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary for proper and efficient administration.

Halifax County’s affirmative action plan includes:

1. Identification and elimination of artificial barriers to equal employment opportunity.
2. Work force analysis to determine whether percentages of minorities and women employed in various job categories are substantially similar to percentages of those groups available in the relevant labor force. Where underrepresentation occurs, employment procedures will be analyzed to determine the cause.
3. Development of a systematic action plan with goals and timetables formulated to correct any substantial disparities or other problems identified in the work force and employment analyses.
4. Periodic evaluation of results to assess the effectiveness of the affirmative action programs in achieving affirmative action goals on a timely basis.

Section 1.6 - Responsibility of The Board of County Commissioners

The Board of County Commissioners shall adopt or provide for rules and regulations or administrative policies relating to personnel policies and other measures which promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 153A-94 of the North Carolina General Statutes and shall confirm appointments when so specified by law. The Board of County Commissioners shall also establish the Classification and Pay Plan. The Board of County Commissioners shall prescribe the office hours, workdays, and holidays to be observed by the various offices, departments, boards, commissions, and agencies of the County. Personnel policies become effective when adopted by the Board of County Commissioners, and may be amended, revised, or repealed through the same procedure. Revisions of the personnel policy are also effective upon approval by the Board, unless otherwise designated.

Section 1.7 - Responsibility of County Manager

The County Manager shall be responsible to the Board of County Commissioners for the administration of the County personnel program, including the Halifax County personnel policies. The County Manager, without the need for Board of County Commissioners’ approval, shall appoint, suspend, and dismiss County officers and employees, except those who are elected by the citizens of Halifax County or whose appointment is otherwise provided for by law or those specifically exempt. The County Manager shall be responsible for the above duties and other functions in accordance with Section 153A-82 of the General Statutes of the State of North Carolina and all other applicable state and federal laws as well as other relevant portions of the personnel policy. The County Manager shall monitor all personnel administration practices of the County, initiate and recommend revisions of rules governing personnel administration to the Board of County Commissioners, present and supervise the classification plan, pay plan, and all other personnel records for County employees. The County Manager shall be responsible for the day-to-day supervision of employees in positions appointed by the Board of Commissioners including the County Attorney, Clerk to the Board, County Assessor, and County Tax

Collector/Coordinator. Supervision includes, but is not limited to, leave and time sheet approvals and performance evaluations. The County Manager shall not impose corrective or disciplinary action on employees in appointed positions. However, the County Manager may recommend corrective or disciplinary action, in which case the Board of Commissioners will determine what action is needed and a timeframe for implementation. Pursuant to G.S. 105-294(a), the county assessor may not be removed from office except for good cause after written notice and an opportunity to appear and be heard during a public session of the board. Pursuant to G.S. 105-349(a), tax collector may not be removed from office except for good cause after written notice and an opportunity to appear and be heard during a public session of the board, unless the tax collector is removed for failing to meet the prerequisites prescribed by G.S. 105-352(b) for delivery of the tax receipts.

Section 1.8 - Responsibility of the Human Resources Management Director

The County Manager may appoint a Human Resources Management Director who shall assist in the preparation and maintenance of the position classification plan and perform such other duties in connection with the County personnel program as the County Manager may require. The duties and responsibilities shall include the interpretation and implementation of personnel policies, pay plan, establishment and maintenance of records relating to County employees, development and administration of recruitment programs, development of effective personnel administrations within County departments, recommendations in regard to the establishment and/or modification of County personnel functions and the issuance and distribution of administrative directives, interpretations, policies and other personnel materials necessary for the proper functioning and maintenance of procedures in accordance with the Halifax County personnel policies. The Human Resources Management Director is responsible for the establishment and maintenance of personnel records for County employees in all departments.

Section 1.9 - Responsibility of Department Heads

Department Heads shall be responsible to the County Manager for recommendations and/or decisions for the appointment, suspension, and removal of County employees assigned to their departments. The Department Heads shall be responsible to the County Manager for ensuring that all employees are thoroughly familiar with the provisions of the Halifax County personnel policy. The Public Health Director, Social Services Director, Sheriff,, Board of Elections, and Register of Deeds are accountable for the appointment, suspension, and termination of employees in their respective agency/offices.

Section 1.10 - Responsibility of Employees

All employees shall familiarize themselves with the personnel policy and adhere to its guidance. Employees are also responsible for following the specific policies/procedures within each department.

Section 1.11 - Definitions

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

Aggregate Service - An employee's combined total period of countable service as an employee of Halifax County.

Allocation - The assignment of a position to an appropriate salary range dependent upon the assigned duties and responsibilities of the position.

Anniversary Date - The employee's most recent date of employment with Halifax County service in a regular position.

Applicant - One who places himself or herself in competition for a vacant position by virtue of applying for employment regardless of employment status.

Appointing Authority - Any County board or position with legal or delegated authority for making hiring decisions.

Appointment - The approved employment of an applicant or employee to perform the duties and responsibilities of an established position.

Class - Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which are assigned the same salary grade.

Classification Plan - A formal plan of structuring and ranking groups of classifications.

Complaint - A claim or complaint alleging 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 complaint may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair supervisory or disciplinary practices, unreasonable work quotas or any other inequity relating to conditions of employment subject to the control of the County.

Cost-of-living Adjustment - An adjustment that is typically based on market value that may be made by the Board of County Commissioners to all pay ranges typically effective on July 1, the beginning of a new fiscal year.

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

Department Head - The highest level of supervision or top administrative official of a department of County government.

Employees Subject to the State Human Resources Act - An employee of the Department of Social Services and the Public Health Department receiving federal grant-in-aid funds and subject to the provisions of the State Human Resources Act, North Carolina General Statute 126.

Exempt Employee – Full - and part-time employees who have been classified as “Exempt” from the overtime provisions of the Fair Labor Standards Act who are paid for the accomplishment of assigned duties rather than being paid for the number of hours worked in a work period. These include executive, administrative, and professional staff of the County.

Full-Time Employee -

- **Regular**– An employee, appointed to a regular position, who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as regular full-time.
- **Temporary** – An employee, appointed to a temporary or regular position, who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as a temporary full-time appointment.

General County Employee - A County employee assigned to a County department not subject to the State Human Resources Act.

Grant Funded Positions - Positions which are supported fully or in part by financial grants or other non-county monies. Individuals occupying such positions are appointed for a specified period-of-time to perform particular services on behalf of the County. Employees may or may not be entitled to County benefits, depending on the provisions of the grant and other County policies.

Grievance - A document that may be submitted by an employee as a rebuttal to an adverse action which results in a demotion, suspension without pay, or dismissal.

Hiring Rate - The salary paid to an employee when hired into County service.

Immediate Family - Father, mother, wife, husband, son, son, daughter, brother, sister, grandmother, grandfather, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, brother-in-law, grandson, granddaughter, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother.

Maximum Salary Rate - The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

Mid-Point Salary Rate - The median salary rate or salary step between the minimum and maximum assigned to a salary grade.

Minimum Salary Rate - The minimum salary authorized by the pay plan for an employee within a salary grade.

Non-Exempt Employee – Full - and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act and who must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines of this policy. Compensatory time off is given to non-exempt employees for hours worked in excess of the standard work periods established by the County. Paid overtime will be considered on a case-by-case basis.

Part-Time Employee -

- **Regular Part-time Employee** – An employee appointed to a regular position who is regularly scheduled to work less than the standard work period established by the County.
- **Temporary Part-time Employee** – An employee appointed to a temporarily established position, who is regularly scheduled to work less than the standard work period established by the County. Employee may also work in a regular position for a specified temporary period not to exceed twelve months.

Pay for Performance - An increase in salary above the standard job rate based upon the employee’s annual evaluation.

Pay Plan - A schedule of pay ranges systematized into sequential grades, which consists of multiple steps assigned to any given range.

Position - A group of current duties and responsibilities assigned by competent authority, requiring the full or part-time employment of one person. A position, even though unoccupied by an employee, may still exist.

Position Classification Plan - A plan approved by the Board of County Commissioners that assigns classes and positions to the appropriate pay grade.

Probationary Employee - An individual appointed to a regular position who has served less than the probationary period in the position.

Probationary Period - The required period of time an employee serves before obtaining regular status when entering County service.

Promotion - The reassignment of an employee to an existing position or classification having a higher salary range than the position or classification from which the reassignment is made.

Range Revision - One or more salary grades are assigned different minimum and/or maximum salary ranges; or when a classification is assigned a new pay grade based upon labor market data.

Regular Appointment - An employee in a regular position who has satisfactorily completed a probationary period and/or a trainee appointment.

Regular Employee - An employee who has satisfactorily completed the applicable probationary period of County service and has been approved for regular status by his/her Department Head and/or County Manager.

Regular Position - A position which has been approved by the Board of County Commissioners, in which the duties and responsibilities are required to be fulfilled on a continuous and recurring basis, normally requiring full-time employment of an individual.

Reclassification - The reassignment of an existing position from one class to another based on changes in job duties, difficulty, required skill and responsibility of the work performed.

Reduction-in-Force - The abolishment of or reduction of a position or group of positions based upon organizational needs, workloads, and funding.

Salary Grade - All positions which are sufficiently comparable to warrant one range of pay rates.

Salary Plan - A schedule of pay ranges for each class assigned to any given salary range.

Salary Plan Revision - The uniform raising and lowering of the salary ranges of grades within the pay plan typically based upon labor market trends.

Salary Range - A range of steps assigned to a specific salary grade that begins with a minimum step and ends with a maximum step. Salary ranges are assigned to specific classifications.

Salary Schedule - A listing by grade of all the approved minimum and maximum salary ranges authorized by the Board of County Commissioners for various position classifications within County government.

Shift Work - The scheduling of hours by rotating hours worked other than 7.5 hours per day, Monday through Friday.

Standard Work Period - Designated work periods for certain groups of specialized classifications within the County.

Category	Work Period	Standard Work Hours
Law Enforcement	28 days	168
Detention	28 days	168
Sheriff - Non-Law Enforcement	7 days	37.5
Emergency Medical Services	28 days	168
Central Communications	28 days	168
All Other Departments	7 days	37.5

Temporary Employee - An individual appointed to serve in a position for a period of time typically not to exceed twelve months, usually for a specific project or assignment. A temporary

employee is not subject to participation in benefits programs and is typically paid on an hourly basis.

Temporary Position - A position in which the duties and responsibilities are required to be performed for a specific short period of time, normally not to exceed twelve months, and which may or may not require attendance by a person for a standard workweek and/or work period.

Trainee - An employee appointed to a position in any class for which the County Manager or the Office of State Human Resources has authorized a “trainee” appointment and who does not meet the minimum education and experience requirements for the classification. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee shall be paid at a rate below the minimum of the regular class.

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

Work Against Appointment - When qualified applicants who meet education and experience requirements are unavailable, and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against progression. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the desired position through on-the-job experience. The appointee must meet the minimum education and experience requirements of the class to which initially appointed and shall be promoted to the position classification at the time the minimum qualifications are met.

Work Week - For employees assigned a seven-day work period, the workweek will begin on Sunday and end on the following Saturday.

ARTICLE 2

THE POSITION CLASSIFICATION PLAN

Section 2.1 - Adoption

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

Section 2.2 - Purpose

The Position Classification Plan provides a complete inventory of all authorized and regular positions in the County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the personnel policy are to be classified according to the assigned duties, responsibilities, and qualifications needed and other required factors. The position classification plan shall be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions. The classification plan is utilized as a guide in recruiting and examining applicants for employment, in determining promotional opportunities, determining salary ranges for various types of work, and in developing departmental budgets.

Section 2.3 - Allocation of Positions

The allocation of a position is its assignment to a class containing all positions that are sufficiently similar in duty assignments to justify common treatment in selection, compensation, and other employment practices. The County Manager and/or the Human Resources Management Director shall allocate each position covered by the classification plan to its appropriate classification. The classification plan shall consist of position classifications which are comparable in complexity and duties and require similar knowledge, skills, and abilities as well as education and experience requirements. Classifications are equitably compensated within the same range of pay under similar working conditions. Class titles are descriptive of the work of the class and written specifications for individual classifications are maintained. Proper documentation and justification of the class assignments are also developed with the proper utilization of specialized classification factors.

Section 2.4 - Administration of the Position Classification Plan

The County Manager, or the Human Resources Management Director as designated by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the County Manager and Human Resources Management Director the need for new positions and significant changes in the duties, responsibilities or working conditions affecting the classification of an existing position.

Requests for new positions must be presented for review and recommendations for approval/disapproval to the Board of County Commissioners. The Human Resources Management Director may allocate the new position to the appropriate class within the existing classification plan or recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the County Manager or Human Resources Management Director identifies that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Management Director shall submit the request to the County Manager for review and recommendation for approval/disapproval. After consultation with the Department Head, the approval for reclassification shall be implemented by revising the existing class specification, reallocating the position to the appropriate class within the existing classification plan or recommending to the County Manager to amend the position classification plan to establish a new class to which the position may be allocated.

Section 2.5 - Exemptions

All positions within the Department of Social Services and the Public Health Department are exempt from this Article, The Position Classification Plan. Position descriptions and position action forms from those departments must be submitted and reviewed by the Human Resources Management Director. Final approval is provided by the Office of State Human Resources.

ARTICLE 3

RECRUITMENT AND EMPLOYMENT

Section 3.1 - Equal Employment Opportunity Policy

It is the policy of Halifax County to maintain a systematic and consistent recruitment program to promote equal employment opportunities and to identify and attract the most qualified applicants for employment with the County. This policy is to be achieved by announcing position vacancies and by evaluating all applicants using the same criteria. The County maintains a policy of providing equal employment opportunities for all persons regardless of race, color, sex, religion, gender, national origin, marital status, citizenship status, veteran status, ancestry, genetic information, disability, age, or political affiliation. Equal employment opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits and other terms and conditions of employment.

Section 3.2 - Recruitment and Employee Selection

The Recruitment and Employment Policy is to be achieved by centralizing procedures through the Human Resources Management Department by announcing all position vacancies, evaluating applicants, and applying testing methods if necessary. The Human Resources Management Department is responsible for maintaining an active recruitment program which meets current and projected staffing needs and using procedures that will ensure equal employment opportunities based upon job-related requirements.

All Department Heads will be responsible for the hiring of employees in their respective departments and shall confer with the County Manager and/or Human Resources Management Director; however, in all cases, the final hiring decision is that of the respective Department Head. Department Heads shall be responsible for recruiting qualified personnel for all vacant positions authorized by the operating budget of the departments in County government, except when the Board of County Commissioners, upon the recommendation of the County Manager, implements a hiring freeze.

Vacated positions shall be reviewed by the Department Head to determine necessary revisions in the current position description and shall submit appropriate notifications within operating budget and classification plan to the Human Resources Management Director who shall review the position request for verification of correct classification, salary grade, and other position information submitted by the Department. In some cases, a Hiring Freeze Waiver Request Form must be submitted for approval. Upon approval, the Human Resources Management Department will initiate the position vacancy announcement and forward to the departments where the announcements will be placed in prominent locations. Department Heads may obtain assistance from the Human Resources Management Director in the recruiting and selection process, as appropriate. The respective Department Head may coordinate with the Human Resources Management Director for vacancy postings with all other County departments, local news media,

and/or other recruitment and selection functions. Department Heads or their designees will provide the Human Resources Management Director with information on job openings and ensure hiring practices are consistently implemented when working with organizations and other employment agencies.

Section 3.3 - Position Vacancy Announcements

A description of the position being vacated must be reviewed for accuracy and documentation of the current duties and responsibilities. As vacancies occur, the Human Resources Management Director shall publicize opportunities for employment. Recruiting announcements shall include information pertinent to the position involved, including at a minimum, the classification, primary duties, knowledge and skills requirements, minimum education and experience standards, the salary range, contact resource, special certifications and/or licensing requirements, and application closing date. Employment advertisements will contain assurances of equal employment opportunity and will comply with federal, state, and local statutes regarding discrimination in employment matters based upon race, color, sex, religion, gender, national origin, marital status, citizenship status, veteran status, ancestry, genetic information, physical or mental disability, age, or political affiliation.

Information addressing vacant position and hiring requirements may also be published with local and/or other news media, professional journals, and professional organizations as necessary to create a qualified and diverse pool of applicants.

Section 3.4 - External/Internal Postings

Halifax County Department Heads have the option of posting a vacated position internally within County Departments. Any vacancy for which the Department Head wishes to consider outside applicants concurrently with the internal work force shall be listed in a manner consistent with other external postings throughout the County. Optional recruiting publicity shall be carried out through the media, as appropriate. Department Heads may elect to advertise vacancies concurrently, advertising both external and internal at the same time.

Internal postings will allow Department Heads to offer their employees the first opportunity to apply for vacancies prior to having the posting on an external basis. County employees will be given the opportunity to apply for vacant positions for which they may qualify. Candidates must submit their application to the Halifax County Human Resources Management Department for the initial review of qualifications. All vacancies will be posted for a minimum of five working days. An internal posting is defined as announcing the vacancy in all County departments and is not limited to the department having the vacancy. Internal promotions/transfers are only available to employees who have successfully completed a probationary period with Halifax County.

External postings will allow management to advertise outside the Department and to consider assistance through the news media other recruiting publicity resources. All positions must be posted for a minimum of ten working days.

After review of the applications, the Human Resources Management Department will refer all qualified applicants to the respective department. Management staff within the department will interview and identify the best qualified applicant.

Section 3.5 - Employment Applications

The Halifax County employment application is the standard application for position listings within the County. Applications may be provided through the Halifax County Website or the Human Resources Management Department. All persons expressing interest in employment with any County Department will be given the opportunity to file an application for all positions that are advertised. A separate application must be completed for each vacated and advertised position. It is also recommended that current employees applying for department vacancies separate and document each position and its associated duties performed since employment.

In order to be considered for a position vacancy, an application form indicating the specific position title must be completed and on file in the Human Resources Management department by 5:00 pm on the closing date. An application is active until the position is filled or recruitment is discontinued due to budgetary or other reasons deemed necessary by the Department Head and/or County Manager.

Any employee who knowingly and willfully discloses false or misleading information or conceals dishonorable military service; or conceals prior employment history or other requested information, either of which are significantly related to job responsibilities on an application for employment with Halifax County, may be subjected to disciplinary action up to and including dismissal from employment. Dismissal shall be mandatory where the newly hired employee discloses false or misleading information in order to meet position qualifications.

Section 3.6 - Qualification Standards

All applicants considered for employment or promotion shall meet the employment standards established by the position classification plan and such other reasonable and appropriate minimum standards as may be established by the Board of County Commissioners and the State Human Resources Office. Qualification standards shall be reviewed periodically for purposes of determining whether they are commensurate with specified standards and conform to actual job performance requirements. The Department Head is responsible for determining the vacancy-specific qualifications that are an addition to minimum class standards and will remain accountable for the adverse effects resulting from the use of qualification standards that are unreasonably construed. Any additional requirements must be discussed and approved by the Human Resources Management Director.

Section 3.7 - Application Tracking

The Department Head and/or his/her designee and the Human Resources Management Director shall be responsible for maintaining records regarding job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and the specific information including proper documentation relating to the pool of applicants considered

for each position vacancy. Applications shall be maintained a minimum of two years. This information shall be maintained in the Human Resources Management Department.

Section 3.8 - References and Credential Verification

Efforts must be made to obtain valid information in regard to an applicant's work ethics and periods of employment by contacting former employers, supervisors, and other resources who may provide information pertaining to the applicant's work history. Positive references should be obtained in all recruitment processes prior to employment. In those cases, where the Department Head or designee is unable to gather such information prior to employment, the applicant shall be formally notified in the offer and acceptance letter that his/her employment will remain contingent upon the receipt of positive references.

Any reference information, background investigation or education credentials verifications, whether by telephone or correspondence, will become a part of the employee's permanent personnel record. The Department Head or designee will make a reasonable attempt to verify the educational credentials of the new employee. Employees applying for promotions, which require an undergraduate or graduate degree, will have previously unverified credentials confirmed. Departments may continue to request transcripts, as appropriate, to verify course work.

For positions requiring a special licensure, certificate or registration, the Department Head or designee is responsible for verifying those credentials. Copies of appropriate documentation should be included in the personnel record.

Section 3.9 - Selection

The Human Resources Management Director and respective Department Head and/or County Manager will develop, utilize and document, on a consistent and routine basis, a selection process which best suits the needs of each department and appropriately measures job performance in order to ensure that the best qualified candidate is selected for the vacant position. Such selection method shall include, at a minimum, a structured interview format that ensures all candidates are asked substantially similar questions, and that the answers to those questions are evaluated in good faith, in an objective, fair manner that provides a fair and equal opportunity to all candidates. The Department shall provide individuals with disabilities the reasonable accommodations they need to interview, which might include providing an accessible location.

An interview panel shall be established to conduct the candidate interview and evaluate relative qualifications and merits of each candidate. The interview panel will consist of management representatives including the Human Resources Management Director or designee on an as-needed basis. All decisions as to selections of candidates to fill a vacancy will be supported by objective and detailed written documentation reflecting that the above policies have been met. In filling position vacancies, every effort should be made to promote qualified employees from within Halifax County. The interview panel must be diverse as to gender and race and include a supervisor who has direct knowledge of the job requirements.

The Department Head or designee will notify applicants deemed most qualified of selection and offer of employment and shall attempt to verify the status of credentials and the accuracy of statements contained in the application for each new employee within 90 days from the date of employment. Written confirmation will be provided to the selected applicant confirming a formal offer and applicant's acceptance. The offer will also address hire date, salary, probationary period, leave accruals and other pertinent information. The documentation of offer and acceptance shall be placed in the employee's personnel record. The Human Resources Management Director may also provide the offer if the Department Head so desires.

The Department will also submit to the Human Resources Management Department the necessary paperwork documenting the hiring status, position number, and salary requests. A hiring salary justification form must be submitted with proper justification for a higher salary than Step 3 of the salary range for formal approval.

Section 3.10 - Appointments

The Human Resources Management Director and Department Head may coordinate efforts with regard to communicating job offers to applicants or employees for position vacancies. A personnel action form must be generated and forwarded to the Human Resources Management Department. A copy of the personnel action form and other related information are maintained in the employee's personnel record. The appointing authority shall ensure proposed appointments, classifications, qualifications, and salaries are in compliance with both state and local recruitment policies.

If the duties of the position include operation of a County-owned or a County-insured vehicle, Human Resources Management must conduct a review of the driving record of the individual to be hired prior to issuing an offer of employment. The record will become a part of the personnel file.

After a conditional offer of employment, the applicant will be required to submit to a drug screen in accordance with the County's Drug Free Workplace Policy. Finalists who refuse to undergo drug screening will not be considered for employment.

The Public Health Director, Social Services Director, Sheriff, Board of Elections, and Register of Deeds are accountable for the appointment, suspension, and termination of employees in their respective agency/offices. Their respective Boards shall appoint the County Director of Social Services and the Public Health Director. The Board of County Commissioners shall appoint the County Manager, County Attorney, Clerk to the Board, Tax Collector and County Assessor. The County Manager shall appoint all others.

The Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage, or nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

Applicants selected for employment shall be notified in writing by the Department Head as soon as practical including any conditions of employment that may vary from routine policy.

Information in regard to salary, classification and a probationary period should also be included in the offer letter.

Section 3.11 - Employment of Relatives

No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the other's employment, promotion, salary administration or related management or personnel considerations.

Immediate family is defined as father, mother, wife, husband, son, daughter, brother, sister, grandmother, grandfather, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, brother-in-law, grandson, granddaughter, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother.

The employment of close relatives within the same local department or unit is to be avoided unless significant recruitment difficulties exist. If there are fewer than three other available eligible for a vacancy and it is necessary for relatives to be considered for employment, or if two individuals are already employed and married, the County Manager will review the circumstances and determine if exceptions are appropriate.

Section 3.12 - Types of Appointments

The following types of initial appointments may be offered in Halifax County.

Probationary Appointment

Individuals receiving original appointments to regular positions must serve a probationary period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. Persons being rehired after leaving employment in a regular position shall be required to serve a probationary period. Every new employee shall serve a probationary period of nine (9) months. After completion of the nine-month probationary period, the employee earns regular status resulting in property rights for his/her position. Employees shall be separated for just cause and have the right to formally appeal any adverse action. Employees returning to their former position shall not be required to repeat a probationary period unless there is a break in service for more than thirty-one consecutive calendar days.

At the recommendation of the supervisor, the Department Head may extend the probationary period for up to three months. At any time during a probationary or trainee period, an employee may be separated from service for causes related to unsatisfactory performance of duties or for unacceptable personal conduct detrimental to the County/Department without the right of appeal or hearing. The employee must be given notice of dismissal, including reasons.

Employment in a regular part-time, temporary, or emergency appointment shall not be credited toward the probationary period.

Trainee Appointment

A trainee appointment may be made to a position in any class for which the specification includes special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the class.

The specification for each class in which a trainee appointment is authorized will define the minimum qualifications for the trainee appointment and the minimum qualifications for a regular probationary appointment. It is expected that the individual will progress through supervised experience to a minimum level of satisfactory performance in the position during the probationary or trainee period, whichever is applicable. This limit does not include time spent on educational leave or additional time required to participate in a work-study program designed to meet educational requirements for the class. An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the class. After the employee has

successfully completed all educational and experience requirements, his/her status shall be changed to either probationary or regular status, or he/she shall be separated.

If an employee with regular status in another class accepts a trainee appointment, the regular status will be waived for the duration of the trainee appointment. The employee can regain regular status either through successful completion of the trainee appointment, by reinstatement to the class in which he/she previously held status, or by transfer to a position in a class for which he/she would have been eligible based on previous regular status.

Regular Appointment

A regular appointment is an appointment to a regularly established position when the incumbent is expected to be retained on a regular basis. Regular appointments follow the satisfactory completion of a probationary and/or trainee appointment or may be made upon reinstatement of a qualified employee.

Regular Part-Time Appointment

A regular part-time appointment is an appointment to an established position for an indefinite period with a work hour schedule totaling less than the number of hours in the regular work week in the work unit in which the position is located.

Temporary Appointment

A temporary appointment may be made to a regular or temporary position. The appointment shall be limited to a maximum duration of twelve months not to exceed 1000 hours. The appointee must meet the minimum training and experience standard of the class to which initially appointed.

Emergency Appointment

An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other

requirements for appointments will be waived. An emergency appointment may be made for a period of up to sixty workdays, consecutive or non-consecutive, or a total of 480 hours in “pay status”. Any one individual may not receive successive emergency appointments. At least three calendar months must elapse before the employee may serve another emergency appointment.

Work Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below

the level of the regular classification in a work-against progression. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the training and experience requirements for the full class, and for the position in question. Once the employee gains sufficient experience to qualify him/her for the classification of the position, the employee must be released from work against status and placed into to the full classification. Employees are entitled to all benefits offered by the County.

Contractual Agreement

A contract is a working arrangement by written agreement between the Contractor and Halifax County for special skills or services as required by the Department. All contracts shall be reviewed, pre-audited by the County Finance Director and County Attorney and approved by the County Manager. The Department shall comply with the provisions of the Internal Revenue Services in the determination of employee-employer relationships.

Section 3.13 - Probationary Period

All Halifax County employees shall serve an initial probationary training period for nine (9) months. The probationary period is an orientation or training period during which employees can receive extra feedback while they learn a new job. The immediate supervisor, program/division manager, or the Department Head will conduct periodic performance evaluations that allow the employee to remain aware of any work performance deficiencies. Performance evaluations should typically be initiated at the supervisor’s discretion. Once an employee completes his/her probationary period, that employee will not be required to complete another probationary period if ever promoted or transferred to a different position within the Department. Employees who promote or transfer to another Department will serve a new nine (9) month probationary period. The probationary period shall be extended for the amount of time the employee is on approved leave without pay.

At the end of the designated probationary period, an employee who has not achieved the desired level of performance shall be separated. Service in a probationary period is “at will”, and an employee may be dismissed for any reason. A probationary employee may be dismissed without the right of appeal. Disciplinary action, including demotion and/or dismissal, may be taken at any time during the probationary period.

Section 3.14 - Regular Status

Employees must work for nine (9) consecutive months in probationary status before they achieve regular status. Employees who have successfully completed the consecutive nine (9) months of service have the right to formally appeal any adverse action.

Section 3.15 - Promotion

A promotion is a change to a classification at a higher level. This may result from movement to another position or by the present position being reallocated to a higher classification as a result of an increase in the level of duties and responsibilities. When it is feasible, a vacancy should be filled by promotion of a qualified employee. Candidates for promotion shall be chosen on the basis of their qualifications and their work records.

Section 3.16 - Demotion/Reassignment

A demotion is a change in job responsibility to a position of lesser responsibility and a lower salary grade. Any employee whose performance in his or her present position is unsatisfactory or whose personal conduct is unacceptable may be demoted, provided the employee demonstrates the ability to become a satisfactory employee in another position. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or unacceptable personal conduct. The employee must provide the request in writing.

If the change results from inefficiency in performance or as a disciplinary action, the action is considered a demotion. If the change results from a mutually agreed upon arrangement, the action is considered a reassignment. When an employee is demoted, it is expected that he/she will possess the minimum qualifications required for the new class at the respective level of appointment.

Section 3.17 - Residency Requirement

The County Manager and executive level staff members such as Deputy County Manager, Assistant County Manager, and Department/Agency Heads must be a resident of Halifax County or agree to become a resident within nine (9) months from the date of acceptance of the position. Failure to become a resident of the County within the time allowed, unless a specific waiver is granted by the Board of County Commissioners, will be grounds for termination.

ARTICLE 4

THE PAY PLAN

Section 4.1 - Adoption

The pay plan, which is adopted by the Board of County Commissioners, includes an annual salary schedule, reflecting both grade levels and steps as approved by the Board of County Commissioners. The salary schedule consists of beginning and maximum rates of pay for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

Section 4.2 - Maintenance of the Pay Plan

As delegated by the County Manager, the Human Resources Management Director shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation of all positions when considered in relation to each other, general rates of pay for comparable employment positions in the private and public sector in the area, changes in the cost of living, the financial conditions of the County, and to other factors deemed relevant by the County. To ensure equitable compensation, the County Manager or Human Resources Management Director shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall make such changes.

Section 4.3 - Administration of the Pay Plan

The Halifax County pay plan is designed based upon the fiscal County policies and the fiscal ability to pay County employees. The pay plan is intended to be administered in a fair and systematic manner in accordance with work performed by County employees. It is intended that, to the extent possible, the pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities and shall recognize performance as the basis of pay increases within the established pay range. The pay plan shall meet the requirements of the State Human Resources Commission for employees subject to the State Human Resources Act, while maintaining a systematic, countywide plan.

Section 4.4 - Transition to New Pay Plan

The following principles shall govern the transition to a new pay plan:

- A. No employee shall receive a salary reduction as a result of the transition to a new pay plan.
- B. All employees being paid at a rate lower than the minimum rate established for the respective class shall have their salaries raised to the new minimum for their respective classes.

- C. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary range.
- D. Except with respect to cost of living pay increases, all employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present salaries.

Section 4.5 - Implementation of the Pay Plan

The pay plan shall be designed to facilitate fair and equitable pay decisions based upon the needs of both management and the employee. Salary ranges are intended to permit, to the extent possible, the recognition of individual performance. The following provisions shall govern the granting of pay increments within specific salary ranges:

Hiring Rate/Starting Salary

Employees will typically be hired at the minimum rate of their assigned salary grade. Hiring an employee above the minimum salary range may be made with approval from the County Manager and/or appropriate designee when deemed necessary in the best interest of the County, based on such factors as superior qualifications of the applicant, shortage of qualified applicants available at the hiring rate or the refusal of qualified applicants to accept employment at the minimum range. Department Heads shall consider internal equity of other employees in the Department when making a recommendation for employment above the minimum rate.

The hiring range for Halifax County's 40-step salary range is to the mid-point, which is Step 20. Authority for step placement is as follows:

1. Department Head/designee can authorize appointment up to Step 3.
2. Deputy County Manager or Human Resources Management Director can authorize appointment up to Step 20. Authorization must be obtained prior to job offer.
3. County Manager authorizes any exception to the policy. Authorization must be obtained prior to job offer.

Section 4.6 - Pay Status

An employee is in pay status when working or when utilizing accrued paid leave time. An employee is not in pay status while on unapproved or approved leave without pay, inactive status while on Workers' Compensation or after his/her last day of work when separated from employment because of resignation, dismissal, retirement, reduction-in-force or death.

Section 4.7 - Pay Periods

The County maintains a monthly pay period with mandatory direct deposit occurring on the 25th of each month or the last working day prior. Law enforcement officers and employees in the Detention Center, Emergency Medical Services, and Central Communications are paid on a different monthly cycle, a 28-day cycle. All overtime payments are made monthly. Any employee who is paid for time not worked or otherwise receives compensation that is not due him/her shall have such over-payment deducted from his/her check in the following pay period.

Required Federal and State Payroll deductions are made monthly to include the following:

- Federal Income Tax
- State Income Tax
- Social Security
- Medicare
- North Carolina Local Government Employees' Retirement System

Other optional payroll deductions are made available to County employees through the Halifax County Human Resources Management Department.

Section 4.8 - Payment Within the Salary Range

All employees covered by the pay plan shall be paid at a rate within the salary range established for their respective job classes except for employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new pay plan. When the employee attains the maximum rate of a salary range for his or her present position, no further salary increases other than a cost-of-living will be received unless the position is reclassified, the employee is promoted to another position with a higher salary range or the salary for the present position is increased.

Section 4.9 - Salary of a Trainee

An applicant hired or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, shall be appointed at a salary rate below the salary established for that position. For employees appointed as trainees, their salary paid is typically not more than Step 1 of one pay grade lower than the salary range of the respective grade of the classification assigned. Employees who are subject to the State Human Resources Act will be designated as "trainees" in accordance with the rules and regulations established by the Office of State Human Resources. All other County employees shall be designated as "trainees" based upon recommendations from the Department Head with the approval of the County Manager and/or the Human Resources Management Director. Employees in a trainee status shall continue to receive a reduced salary until the appointing Department Head determines that the trainee is qualified to assume the full responsibilities of the position. This decision is made in accordance with the information provided in the Halifax County classification specification and for employees subject to the North Carolina Classification Specifications under the State Human Resources Act.

An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the classification. After the employee has successfully completed all educational and experience requirements, he/she shall be given a probationary or regular status appointment or shall be separated.

If an employee with regular status in another class accepts a trainee appointment, the status will be waived for the duration of the trainee appointment. The employee can regain regular status either through successful completion of the trainee appointment, by reinstatement to the class in

which he/she previously held status, or by transfer to a position in a class for which he/she would have been eligible based on previous status.

A former employee who does not meet the minimum requirements of the class to which he/she is being appointed shall be given a trainee appointment. All requirements for the trainee appointment must be satisfied prior to attaining career status for employees subject to the State Human Resources Act and general County employees if the classification of the position has a trainee provision.

Section 4.10 - Salary for a Work-Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification, the Department Head may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the training and experience requirements for the full class, and for the position in question. The salary for an employee in a work-against appointment may be made at any step within the salary range of the lower classification and may even exceed the minimum of the salary range assigned to the higher classification.

Section 4.11 - Pay Rates for a New Appointment

Individuals receiving original appointments to regular positions must serve a probationary period. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or elimination of those whose performance will not meet acceptable standards. Employees who qualify for the classification for which they are hired will typically receive the minimum rate of their assigned salary grade. Exceptions will be made in accordance with information in Section 5 under Hiring Rate/Starting Salary.

Section 4.12 - Pay Rates in Promotions, Demotions, Transfers and Reclassifications

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

Promotion: The salary or rate of pay of a promoted employee shall be increased to no less than the minimum rate of the salary grade assigned to the job classification of the new position. If an employee's current pay rate is already above the new minimum of the salary grade, his/her pay rate may be adjusted upward at a minimum of 2.5% up to a maximum 10%, provided that the adjusted rate does not exceed the maximum of the assigned salary grade, as determined by the County Manager. In establishing the new pay rate for a promoted employee, consideration will be given to the following: the nature and magnitude of the change in jobs, the need to maintain equity of salaries within the work unit, and the financial constraints of the department or work unit. Prior to notifying the employee, each promotion must be reviewed and approved by the Human Resources Management Director to ensure an equitable process throughout the County.

Demotion: A demotion can either be voluntary or non-voluntary. The salary or rate of pay of a demoted employee shall be decreased to no less than the minimum rate of the salary grade assigned to the job classification of the new position. The demoted employee's pay rate will be adjusted downward at a minimum of 2.5%. The new adjusted rate cannot exceed the maximum of the assigned salary grade, as determined by the County Manager. In establishing the new pay rate for a demoted employee, consideration will be given to the following: the nature and magnitude of the change in jobs, the need to maintain equity of salaries within the work unit, and the financial constraints of the department or work unit. Prior to notifying the employee each demotion must be reviewed and approved by the Human Resources Management Director to ensure an equitable process throughout the county.

Lateral Transfer: When an employee is transferred to a position in the same class or to a position in a different class at the same pay grade, he/she will continue to be paid at the same step rate. Any exception to this policy may be made by the Human Resources Management Director prior to the effective date of the transfer.

Reclassification: When an employee is reclassified, their existing position will be reassigned from one classification to another. The reassignment will be based on job changes in duties, kind of work, level of difficulty, decision-making responsibility, required skill and education as well as accountability for work being performed. When an employee's reclassified position is assigned to a higher salary range, which involves movement to a new salary grade, the employee is authorized to receive up to 5% per grade increase. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum established for the new class, the salary of the employee shall be maintained at that level, except for cost-of-living increases, until such time as the position's pay range is increased above the employee's current salary. In establishing the new pay rate for a reclassified employee, consideration will be given to the following: the nature and magnitude of the change in jobs, the need to maintain equity of salaries within the work unit, and the financial constraints of the department or work unit. Prior to notifying the employee, each reclassification must be reviewed and approved by the Human Resources Management Director to ensure an equitable process throughout the County.

Section 4.13 - Pay Rates and Salary Range Revisions.

When the Board of County Commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A. When a class of positions is assigned to a higher pay range and an employee's salary in that class is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to the minimum of the range of the newly assigned class. If the employee's salary is already at or above the new minimum of the range, he/she will receive one step or the minimum of the new range established for the classification, whichever is higher. An employee's salary may not exceed the maximum of the range in the newly assigned class.

- B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained,

except for cost-of-living increases, at that level until such time as the employee's pay range is increased above the employee's current salary.

Section 4.14 - Pay for Part-Time Work

Compensation for regular part-time employees shall be calculated based upon the hours actually worked. Regular part-time employees are not eligible for paid leave of any kind.

Section 4.15 - Pay for Temporary Work

Compensation for an employee, working on a temporary full-time basis for the County, shall be calculated the same as employees working on a full-time, regular basis. Temporary employees working on a part-time basis, will be paid at the hourly rate of the salary grade of the classification to which the employee is assigned. Temporary employees are not eligible for paid leave of any kind.

Section 4.16 - Pay for Performance

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance criteria and funding approved by the Board of County Commissioners.

Halifax County Department Heads and Supervisors monitor the performance of employees by use of the Performance Evaluation Plan (PEP). This tool documents the past job performance and communicates a course of future expectations from employees. This system provides the basis for granting employees salary adjustments based upon their performance at or above an effective level.

Department Heads and Supervisors are responsible for providing continuous feedback pertaining to employees' performance throughout the evaluation period. Supervisors must properly document and communicate to employees in continuous one-on-one counseling sessions. Employees should not be surprised at the outcome of evaluation ratings. Performance evaluations are not disciplinary actions but may be utilized by supervisors in documenting corrective action plans and other tools communicating work deficiencies.

Proper justification must be documented for ratings of outstanding performance. Employees may provide comments or a rebuttal to their evaluation within five working days of receipt of the evaluation. Refusing to sign the evaluation by the employee does not invalidate the evaluation. Employees who receive a needs improvement/needs much improvement/unsatisfactory

performance rating must receive a corrective action plan. Performance evaluations and corrective action plans become a part of the formal personnel record.

Upon approval for pay adjustments, proper documents must be submitted to the Human Resources Management Department for approval. Adjustments are effective on the month following the evaluation month.

Section 4.17 - Compensation for Work on Holidays

Employees will not work on any of the designated holidays except when services are essential for operation. The Department Head must have approval from the County Manager for an employee to work on a Holiday. Holiday pay includes the base salary plus pay for 7.5 hours of work.

Section 4.18 - Salary at Separation

The regular payroll check for the current month, in which the employee is separated, will be provided to the employee by paper check at the next scheduled pay date. Payment for all accumulated annual leave and all overtime amounts will be provided the following month. An employee who separates employment with the County will receive a deduction in final pay if there is a negative balance in sick leave or annual leave.

Section 4.19 - Employee Time Records/Time Sheets

A time record/time sheet is the official record of an employee's work history and is required in order to comply with federal regulations and auditing guidelines. It must accurately reflect the days for which the employee is entitled to be paid. The signatures of the employee and the supervisor validate the accuracy of the time record/ timesheet. The information is used in computing compensation and paid and unpaid leave usage. Under no circumstances are employees allowed to sign his/her supervisor's name on the time record/timesheet. An original signature from the employee is also required. Each employee is required to maintain an employee time record. The time record must include the following information:

1. Hours worked each day. This must reflect actual time worked and must be recorded daily.
2. Total hours worked each workweek. This does not include sick, annual, or leave without pay hours, or holiday time not worked.
3. Leave balance from the previous month, leave accrual for the current month, leave used in the current month and leave forwarded to the next month.
4. Any compensatory time/excessive balance available from the previous month, compensatory time earned in the current month, compensatory time used in the current month and any compensatory time balance forwarded to the next month.
5. The time record must be signed and approved by the supervisor.

Section 4.20 - Workweek Adjustments

Workweek adjustments are authorized changes made during an employee's regularly scheduled working hours to ensure the total number of hours worked during the workweek will match the

required hours for that workweek. Workweek adjustments do not require use of leave forms – verbal authorization is required from employee’s supervisor. Total hours worked must match the total hours normally required for the workweek.

Workweek adjustments are the County’s preferred short-term method of compensating a non-exempt employee for extra hours worked. All workweek adjustments must take place within the same workweek period; if this is not possible, additional work time is to be classified as compensatory and is to be used according to that policy including using the associated leave request paperwork.

Workweek adjustments may be made either before or after the extra work time is performed.

If time is taken off prior to working the additional hours and the additional hours are not worked, time must be charged to the appropriate leave time. If time is not performed based on circumstances caused by the department, then employee will be allowed to make up time within the next seven calendar days.

Whenever possible, supervisors are responsible for ensuring that workweek adjustments are appropriately scheduled to avoid excessive accrual of compensatory time.

Section 4.21 - Work Schedule

The majority of County employees work a 37.5-hour per week work schedule from 8:30 am to 5:00 pm., Monday through Friday. Exceptions to this are the schedules for law enforcement, detention officers, and emergency services employees. Those schedules are established by the respective Department Head and approved by the County Manager.

A pre-determined flexible work schedule may be approved by the Department Head. Each respective Department Head is accountable for ensuring adequate staffing is maintained for providing efficient service delivery.

Section 4.22 - Flextime Scheduling

Flextime scheduling allows County employees flexibility in scheduling their work hours within the policy and guidelines. Flextime is a schedule by which an employee may work an alternate work schedule within specific limits dictated by the needs of the job and is subject to department management review and approval. Flextime policy mandates that full-time employees who are non-exempt complete a minimum of 37.50 hours work over a one-week period.

Department Heads shall ensure that flextime is administered consistently and equitably within the department, and that flextime arrangements conform to County policy. Department Heads shall also ensure that staffing is always available to meet the operational requirements of the department and should closely monitor any issues within the department to include absenteeism, turnover, punctuality, and accomplishing mission and programmatic goals. Annual department reviews are also required to ensure overall compliance with flextime requirements.

The employee shall plan and organize his/her time to meet the job requirements established by the immediate supervisor. The employee shall inform the supervisor when coverage is not adequate.

Section 4.23 - Fair Labor Standards Act

Halifax County abides by all applicable sections of the Fair Labor Standards Act and the North Carolina Wage and Hour Act. Each supervisor is responsible for ensuring that applicable overtime accrued for each eligible employee is accurately recorded. Employees are not to perform work during meal periods or at any time that they are not scheduled to work unless they receive advance approval from the Supervisor or Department Head, except in cases of emergency. An emergency exists if a condition arises that could result in damage to property or persons or that requires the immediate attention of the employee. Employees who work additional hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

Halifax County employees may not volunteer or work in other County departments while employed by another County department. Only in emergency or unusual situations will an employee be approved to work in another department and then with the approval of the Department Head and County Manager. Any employee who volunteers or works with another department without prior approval will be subject to formal disciplinary action up to and including termination of his/her employment.

Section 4.24 - Exempt and Non-Exempt Designations

Certain employees are exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees include executive, administrative, and professional employees as defined by the Fair Labor Standards Act. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved. Exempt employees are expected to work whatever number of hours are required in order to accomplish their duties rather than being paid for the number of hours worked in a workweek. Exempt employees may not be paid for hours worked in excess of their regularly scheduled work period.

When specific, extraordinary working conditions warrant, such as extreme weather conditions, acts of terrorism, declaration of state of emergency, the County Manager may authorize exempt employees to accrue and be paid for overtime on an hour for hour basis. This is a privilege granted by Halifax County and is subject to change. Employees approved to be paid overtime during these conditions must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken. Overtime will be paid on an hour for hour basis and may not be transferred to an annual or sick leave account, transferred to another employee, nor accumulated to be taken at a later date. Overtime is based on hours worked over 37.50 in a workweek or 168 for a 28-day work period for law enforcement.

All other employees are considered non-exempt and are subject to the Fair Labor Standards Act. Non-exempt employees shall receive compensatory time at one and one-half times hours worked over a 40-hour workweek. The County shall make payment of accumulated

compensatory time upon separation of the employee. In other situations, the employee may be paid for accumulated compensatory time contingent upon the County Manager's approval.

Section 4.25 - Overtime for FLSA Non-Exempt Employees

It is the goal of Halifax County to provide a workload that can be processed within the normal working day. Employees are expected to work during all assigned periods exclusive of mealtimes. Work in excess of the regular schedule is discouraged unless absolutely necessary and should be performed only with the approval from the Supervisor, Department Head, or County Manager.

All employees governed by the Fair Labor Standards Act shall maintain true, complete, and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the Supervisor in a timely fashion. This record must be signed by the employee and immediate supervisor. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday or workweek, except in those cases where excessive hours of work are necessary.

Employees who work additional hours because of an emergency situation shall advise their supervisor of the overtime worked as soon as feasible and will be compensated accordingly. Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented in accordance with the established record keeping forms and instructions.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked must be given in the form of compensatory time off or paid in accordance with Fair Labor Standards Act provisions. For County employees who are non-exempt, accrued compensatory time should be used by the end of the month following the month in which the accrual occurred. If the accrued compensatory time cannot be used within this period, paid compensation is required for the balance of the accrued hours. Any exceptions must be approved by the County Manager.

Overtime is earned at the rate of 1 ½ times the hours worked for non-exempt employees. The time which employees work must be recorded on their timesheets. Computation for overtime will include actual work hours over and above the standard work hours for a seven (7) day work period for non-law enforcement employees. The work period or workweek will begin on Sunday and end on the following Saturday.

Sick leave, annual leave, military leave, holidays, adverse weather leave, and court time in a work period will not count toward computing overtime hours.

Section 4.26 - Excessive Time for FLSA Exempt Employees

Upon the recommendation of the Department Head, the County Manager may authorize exempt employees to accrue excessive time for overtime worked when special working conditions exist. Excessive time is earned or accrued by an exempt employee for time worked in excess of a

workweek established by these policies that do not result from the FLSA provisions. Excessive time is earned at the rate of one hour for each hour worked by exempt employees. In times of a natural disaster (ex: hurricane, tornado, etc.) where emergency response and disaster recovery are required, and the County is under an emergency declaration, exempt employees including Department Heads are eligible for paid monetary compensation as approved by the County Manager. The County Manager may authorize monetary compensation for Department Heads in other unusual circumstances. Department Heads will remain accountable for the approval of work schedules for exempt employees and will ensure proper documentation of hours worked by employees. Exempt employees under the FLSA shall be granted excessive time as specified below:

- A. Excessive time shall be taken by an exempt employee at the convenience of the Department and at the discretion of the Supervisor, Department Head, or County Manager, as applicable, at a time, which will least obstruct the operation of the Department. In the case of emergency, unforeseen requests, the employee will notify a supervisor within 30 minutes from the beginning of the workday or shift.
- B. Excessive time may not be formally transferred to any other type of leave.
- C. Employees approved to accrue excessive time must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken.
- D. Excessive time must be taken no later than the end of the month following the month in which the accrual occurred. Time not used within this period will be lost. Any exception to this rule will result in justification from the Department Head with final approval from the County Manager.
- E. Excessive time is lost when an employee is separated from County service. Excessive time will not be paid, and an employee's separation date may not be moved forward in recognition of an excessive time balance.

Section 4.27 - Cost-of-Living Increases

Employees' wages may be reviewed annually and possibly adjusted with a cost-of-living increase. Such adjustments will depend upon the availability of funding and will be subject to the approval of the Board of County Commissioners.

The Board of County Commissioners may also consider and approve a one-time payment, dependent on the availability of funding, for all County employees. The County Board of Commissioners will approve effective dates for cost-of-living increases.

Section 4.28 - On-Call and Call Back Compensation

Being on-call is considered to be a back-up position for an emergency situation. Individuals are not restricted to the employer's premises or their own residence but must remain in their respective response area. Since the employee may use this time for his or her own purposes, it should not be counted as work time. A designated pay shall be set based on service performed on a weekday, weekend, or holiday. In the case that an employee's service is utilized and he or she surpasses the allotted regular work hours, overtime provisions may be considered.

Call-back time consists of actual time spent when an employee is called back to work to address an emergency situation. Call-back time will begin when the employee is notified to leave his or her place of residence for travel to the work site and will end when the emergency work is completed. If the employee does not depart immediately to report for emergency call-back, the Department Head or supervisor shall determine a reasonable amount of time for travel that should be considered as compensable.

There are instances where an on-call employee receives an emergency call and is able to handle the crisis without leaving his or her place of residence. In this situation, the call back time should be recorded in fifteen (15) minute intervals with a minimum of fifteen (15) minutes recorded for each telephone call received. Multiple telephone calls within a fifteen (15) minute time frame are considered one instance for purposes of compensation.

An emergency is an occurrence where the employee's services are immediately required that were not previously planned or scheduled. If an emergency should occur near or at the end or beginning of a scheduled work period and it is necessary that the employee remain on the job beyond the normal quitting time, this is not an emergency call-back. However, the employee should be given credit for actual time worked as a part of the total hours worked during the workweek.

Employees calledback to work outside their scheduled work hours will be compensated at the rate of time and one half their regular hourly rate once the FLSA overtime threshold has been met.

Call back time shall be recorded properly on monthly work time sheets. All call back time must be approved by the employee's supervisor.

Employees who are on-call will be paid at rates approved by the County Manager. Emergency Medical Services field supervisors who are on-call for Saturday and Sunday will be paid a weekend stipend at a rate approved by the County Manager.

Exceptions to this policy must be submitted to the Human Resources Management Director for review and require approval from the County Manager.

Section 4.29 - Longevity Pay

Full-time employees of the County are compensated for continuous years of service with Halifax County by payment of a longevity supplement based on continuous years of service as of July 1 of each year. Employees must be a regular status, active employee on October 31st of that same calendar year to remain eligible for a longevity payment. Partial years will not be prorated. Continuous service is continuous employment including any approved leave.

Years of Total County Service	Percent of Longevity Pay
At least 5 years	2%
At least 10 years	3%
At least 20 years	4%

Longevity checks are distributed annually during the latter part of each calendar year. The specific date will be announced by the County Manager and /or the County Finance Director. Longevity is not considered a part of the base annual pay for classification, other pay or records purposes. Employees who have previous service with Halifax County, with no greater than a one-year break in service, will have their service credited toward calculating their longevity payment.

Section 4.30 - Payroll Deductions and Complaint Procedure

Federal and State income taxes, Social Security taxes, local tax garnishments, withholdings for court-ordered child support payments, and retirement contributions are payroll deductions authorized by law. State and Local Credit Union deductions and insurance coverage requested by the employee and not paid by the County may also be deducted. Because these deductions are calculated on the basis of information provided by the employee, it is mandatory that the employees keep the County informed of their personal status for withholding purposes. Any other payroll deductions must be approved by the County Manager.

Complaints regarding alleged improper salary deductions must be made to the Human Resources Management Director and the Department Head, in writing, who will initiate an investigation to determine whether deductions taken, if any, were improper, and will advise the employee accordingly. Fully reimburse the employee for any improper deductions and take all measures necessary to ensure that no further improper deductions are made. Likewise, any overpayments made to employees will be deducted from the employee's paycheck in the following pay period once any overpayment has been identified.

Section 4.31 - Effective Date of Salary Changes

Personnel actions changing salary and positions will be effective on dates that correlate with the applicable payroll.

Section 4.32 - Direct Deposit

Employees will be paid by electronic transfer of funds to their designated financial institutions account(s). Employees will receive written or electronic documentation of their wages, deductions, and leave balances each pay period.

Direct deposit is mandatory and information to establish direct deposit should be completed during new employee orientation at the time of employment with Halifax County. Newly hired employees will receive a paper check the first month of employment which lists the name of their financial institution. Each following month, an advice of deposit will be issued with the funds being direct deposited into the named financial institution. Any employee who resigns or is terminated during the month will receive his/her final wage check after completion of the necessary paperwork. Payment will be in the form of a paper check.

ARTICLE 5

CONDITIONS OF EMPLOYMENT

Section 5.1 - Code of Ethics

It is the responsibility of Halifax County employees to ensure that all citizens, clients, patients and co-workers are treated with dignity and respect without regard to race, color, sex, age, religion, disability, genetic information, political affiliation, marital status, veteran status, citizenship status, ancestry or national origin. Employees shall strive to increase accessibility of all services and resources including providing a prompt and professional response to identifiable needs of consumers and the general public. Employees shall ensure the rights of those served are observed with privacy and with appropriate and professional care.

Employees shall conduct themselves in accordance with widely accepted professional standards of behavior and shall perform their duties in compliance with laws, statutes, and regulations relevant to the operations of Halifax County.

Section 5.2 - Workweek

The standard workweek for all Halifax County employees will be determined by the Department Head, County Manager, and Board of County Commissioners as deemed necessary to meet operational needs. Agencies or departments will operate on a 37.5-hour work week from 8:30 am to 5:00 pm Monday through Friday. Exceptions to this are the schedules for Law Enforcement Officers, Detention Officers, and Emergency Services employees. Employees may work a pre-determined flexible work schedule with Department Head approval. Any deviation from the assigned work schedule must be approved by the employee's Department Head or Supervisor. The County Manager, however, must authorize permanent schedule changes for a Department Head.

Section 5.3 - Gifts, Tips, Favors and Gratuities

No official or employee of the County shall accept any gift, whether in the form of a service, a loan, a thing of value, or a promise from any person, firm or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.

No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

No official or employee shall grant any improper favor, service or thing of value in the discharge of duties. Items of nominal value valued at less than \$50.00 which may be considered as promotional items, honoraria for participation in meetings or meals furnished at banquets may be accepted.

Any official or employee of the County who knowingly accepts an item of nominal value allowed under this policy shall report the item to his /her supervisor. Employees violating this policy will be subject to discipline up to and including termination of employment.

Nothing in this Section shall be construed to countermand the “Conflicts of Interest Policy for Halifax County” adopted by the Board of County Commissioners on July 9, 2018, related to the procurement of goods and services funded in whole or part by federal funds as required under 2 CFR 200.31(c)(1). If any provision of that policy conflicts with any provision of this section, the more restrictive provision shall apply.

Section 5.4 - Conflict of Interest

Halifax County employees shall conduct themselves in their public employment and in their personal transactions in such a manner as to merit public confidence in their performance and profession. Employees are prohibited from engaging in any public or private activity which presents a conflict of interest, or which could be reasonably interpreted/perceived as a conflict of interest.

Conflict of interest is defined as any condition, circumstance, event or transaction in which a public employee’s prospect of actual or potential personal gain results in the public employee acting in his or her own interest rather than in the public interest. Even when the potential for personal gain seems remote, the mere appearance of a conflict between public and private interests may undermine public confidence in the County, its administrators and employees. Therefore, it is imperative that employees and administrators avoid conduct and situations that could represent the pursuit of personal gain at the expense of or in conflict with the public interest.

Employees shall not use County supplies, equipment, vehicles or facilities for any private enterprise or personal convenience. Equipment, supplies, materials, and tools purchased by and for County business may not be removed from the County premises except where authorized in the conduct of official duties.

Employees shall not disclose to others or use to further their personal interests any confidential information acquired by them in the course of their official duties. Employees shall not endorse commercial products or services or any private enterprise where there exists, directly or indirectly, a personal or family economic interest whether or not such endorsement is for compensation. Employees shall not grant any special considerations, treatment or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

Participation by an employee in a sexual or romantic relationship or in any way soliciting or encouraging such a relationship with a client, patient, customer, etc. shall be grounds for the immediate termination of employment for reasons of unacceptable personal conduct. Employees shall not invest nor hold any investment directly or indirectly in any financial business, commercial or private enterprise that creates a conflict or is incompatible with their official

duties. Employees may purchase products and services from companies affiliated with the County so long as the employees do not use their employment with the County as the basis for eligibility for discounts, loans, favors or other personal benefits not routinely available to customers of those companies. Employees are specifically prohibited from giving or lending money or other items of value to any client and from borrowing or receiving money or other items of value from any client.

Nothing in this section shall be construed to countermand the “Conflicts of Interest Policy for Halifax County” adopted by the Board of County Commissioners on July 9, 2018, related to other procurement of goods and services funded in whole or part by federal funds as required under 2 CFR 200.31(c)(1). If any provision of that policy conflicts with any provision of this Section, the more restrictive provision shall apply.

Section 5.5 - Political Activities

Every Halifax County employee has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee, outside work hours, may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and of the United States of America.

However, no County employee shall, while on duty, do the following:

1. Engage in any political or partisan activity
2. Use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office
3. Be required, as a duty or conditions of employment, promotion, or tenure to contribute funds for political or partisan purposes;
4. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
5. Use County funds or property for political or partisan purposes.

County employees may accept positions on local boards and other local officer positions as long as that position does not interfere with the County position he/she may occupy, and the local officer position is non-partisan.

Local government employees subject to State Human Resource Act and employees in certain federally aided programs are subject to the Hatch Act as amended. The federal act, in addition to prohibiting activities as set forth in all above, also prohibits candidacy for elective office in a partisan election. Any violation of this section may subject the employee to disciplinary action up to and including dismissal.

Section 5.6 - Criminal Background Check

The employment and retention of a well-qualified, diverse workforce is essential to the overall success of Halifax County Government. Criminal background checks can be an important tool in determining suitability for initial or continued employment with the County.

The County shall follow a fair, consistent, confidential, and non-discriminatory method of obtaining and using criminal background information for employment decisions, consistent with guidance and best practices issued by the US Equal Employment Opportunity Commission (EEOC). This policy applies to all applicants and employees of Halifax County, subject to the conditions and limitations set forth herein.

The goals of this criminal background check policy are as follows:

- Determine suitability for employment or continued employment based upon appropriate considerations
- Preserve the public trust
- Provide a safe work environment for employees and the public
- Protect the County's property, funds, and digital security

The County shall not treat criminal background check information differently for individuals based on their race, color, religion, sex, national origin, political affiliation, marital status, citizenship status, disability, genetic information, veteran status, age, or other legally protected status.

The County recognizes that the use of criminal background check information may disproportionately impact some individuals based on their membership in a protected class. Accordingly, the County will take steps to avoid such disparate impacts by use of criminal background check information only if it is job related and consistent with business necessity.

Pre-Employment Criminal Background Checks

No applicant for employment shall be required to answer any questions concerning prior criminal arrest or conviction prior to a contingent offer of employment. An applicant that receives a contingent offer of employment will be subject to a criminal background check and will be required to sign a criminal background check release form during the post interview paperwork process. If an applicant refuses to authorize a criminal background check the offer of employment will be rescinded. If the criminal background check does not reveal prior criminal activity, the applicant may be hired pending the results of other preemployment requirements.

If the criminal background check reveals a conviction, guilty or no contest plea, or if upon further investigation of an unresolved arrest it is established that the applicant actually committed the conduct giving rise to the arrest, the Department Head, HRM Director and County Manager or his/her designee shall determine the degree to which the criminal conduct is job related for the position in question and whether rejection of the applicant is consistent with business necessity.

An unresolved arrest does not establish that criminal conduct has occurred. Accordingly, the fact that an individual was arrested shall never be the sole basis of adverse employment action. The underlying conduct, not the arrest, is relevant for employment purposes. In the event of an unresolved arrest, the County may take adverse employment action based on additional information establishing that the applicant or employee actually committed the conduct giving

rise to the arrest. A conviction, guilty plea or no contest plea shall constitute sufficient evidence that the individual engaged in the alleged criminal conduct. In either event, adverse employment action (non-hire for an applicant or disciplinary action for an employee) will not be taken unless the use of such information is job related and consistent with business necessity.

When determining whether to reject an applicant because of prior criminal activity, the nature, gravity, and the number of criminal offenses will be considered. The amount of time that has elapsed since the commission of the crime or the end of the sentence will be weighed. The nature of the position being filled, including the duties that the applicant will perform with particular emphasis on those positions that are safety sensitive or security sensitive, will be additional considerations. An individualized assessment may be conducted if the applicant chooses to participate.

In compliance with G.S. 153A-94.2(b), if the position being filled requires an applicant for employment to work with children in any capacity, the County shall require the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These record checks must be performed in accordance with G.S. 143B-1209.26, which authorizes the SBI to provide fingerprint-based state and national criminal record check results to the County.

Compliance With the Fair Credit Reporting Act

Notwithstanding anything in this policy to the contrary, prior to the rejection of an applicant because of prior criminal activity, the County will comply with the requirements of the Fair Credit Reporting Act. First, HRM will send the applicant a pre-adverse action letter. This letter must contain a copy of the criminal background check relied on by the County. The letter must provide the applicant with a summary of their rights under the Fair Credit Reporting Act. HRM must give the applicant five (5) business days to review and dispute any inaccurate information in the criminal background check. After the five (5) business days have passed, HRM must provide the applicant with an “adverse action” letter. This letter should provide the applicant with the contact information of the agency performing the criminal background check and a statement notifying them that the agency performing the criminal background check did not make the adverse employment decision. The notice must advise the applicant of his/her right to receive a free copy of the criminal background check and a notice of the right to dispute the information with the agency.

Procedures for Active Employees

All active employees who are subject to a criminal action/proceeding shall provide the following information to their immediate supervisor within one (1) business day of the initial incident:

- Name of the jurisdiction where the incident occurred (e.g. Halifax County, NC)
- Location of the alleged activity
- Specific action/proceeding (i.e., arrest, charges, convictions, traffic violations) and whether the incident occurred during or after work hours
- Nature of the alleged activity (i.e., driving while impaired, possession of marijuana)
- Date and time of the alleged activity

- Any traffic violation that impacts a driver’s license or ability to lawfully operate a motor vehicle
- Dates of any upcoming court appearances/requirements

If the immediate supervisor is unavailable, the employee must report the criminal action/proceeding to the next higher-level supervisor. The reporting supervisor must notify the department head of the employee’s criminal action/proceeding within two (2) business days. The Department Head, or designee, must consult with HRM to determine whether the employee should be dismissed in light of the employee’s criminal action(s). In reaching this determination, the same factors outlined above for pre-employment criminal background checks, including individualized assessment, shall be used.

NOTE: Under the County Personnel Policy an employee’s criminal actions/proceedings may subject the employee to other disciplinary action up to and including dismissal from County employment. This policy is intended to supplement decisions concerning dismissal from employment. This policy does not affect an employee’s appeal rights under the County Personnel Policy.

Employees failing to notify their supervisor of criminal actions/proceedings as required by this policy may be subject to disciplinary action up to and including dismissal from employment. Employees shall not operate County vehicles if their license has been revoked, expired, or suspended.

Definitions

Criminal Background Check – Process of acquiring records related to an individual’s past criminal conduct

Criminal Background Check Release Form – A form completed by an applicant for any eligible position that authorizes a criminal background check prior to employment

Criminal Actions/Proceedings - Any legal actions or proceedings including but not limited to arrests, warrants, charges, convictions, guilty pleas, or no contest pleas relating to criminal activity

Disciplinary Action – An action initiated by a supervisor to address and correct an employee’s unacceptable behavior and/or performance

Fair Credit Reporting Act (FCRA) – Federal law that regulates the collection, dissemination, and use of consumer credit information, including criminal background reports

Individualized Assessment – An assessment performed if a candidate for employment provides additional information and demonstrates that past criminal conduct should not apply due to the nature of the job or business necessity; Factors may include the applicant’s position regarding the accuracy of the criminal background check, extenuating or mitigating factors surrounding the

criminal activity, age at the time of the criminal activity, rehabilitation efforts, employment or character references, and possible alternatives to rejection of employment that still adequately serve the County's stated goals.

Safety Sensitive Position – A position where an essential function of the job includes safety sensitive responsibilities; Safety sensitive responsibilities are those that pose a risk to the safety of the employee or others under which a momentary lapse of attention or judgement could have disastrous consequences without the opportunity to rectify the mistake. A list of safety sensitive positions is under development and may be amended from time to time as necessary. This definition includes any position that meets the Federal Highway Administration's definition in 49 CFR Part 382 for CDL operators and those who maintain CDL required equipment.

Security Sensitive Position – A position where the employee's duties involve handling cash, deposits, financial information, medical/health information, personal identifying information, or access to digital security systems; A list of security sensitive positions is under development and may be amended from time to time as necessary.

Unresolved Arrest – An arrest for which there has been no finding of guilt, plea of guilt, or plea of no contest

Section 5.7 - Alcohol and Drug Free Workplace

It is the policy of the Board of County Commissioners that an alcohol and drug-free workplace shall be maintained. The purpose of this policy is to promote and maintain a drug and alcohol-free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties. The County is committed to developing and administering a fair and consistent policy to promote and maintain a work environment free of alcohol and drugs.

Prohibited Conduct

The following conduct is prohibited under this policy:

- The unauthorized use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
- Reporting to work or working while under the influence of illegal drugs, non-prescribed drugs or alcohol, on County premises or any County work area, in County vehicles, or while on County business.
- The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
- Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place. Conviction of any criminal drug or alcohol statute at any time or place— for some positions, to be evaluated on a per case basis for relevancy to job.

- Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.
- Failure to notify the employee's supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
- Refusal to immediately submit to an alcohol and drug test when requested by a supervisor and/or Department Head, in accordance with this policy.
- Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

The foregoing is not intended to be an exhaustive list of conduct prohibited by this policy.

Drugs To Be Tested

When drug screening is required under the provisions of this policy, a blood, urine, or breath test will be conducted to detect the presence of drugs, including but not limited to: amphetamines, alcohol, barbiturates, benzodiazepines, cocaine, methaqualone, opiates, phencyclidine (PCP), propoxyphene, THC (Marijuana), and any other controlled substance as defined in North Carolina General Statute Section 90-87(5), as amended. For purposes of this drug testing policy, alcohol is considered a drug. Any employee found to have abused prescription drugs would be subject to the terms and conditions of this policy.

Prescription Medication Use

Employees using medications prescribed by a physician that have stated side effects with the potential to significantly affect or impair work performance shall be responsible for notifying their supervisor of such potential. An employee need not give the supervisor specific medical information, but the employee should inform their supervisor of the potential impact of any medication on job performance to allow the supervisor to evaluate and determine the appropriate course of action which may include the approval of annual/sick leave or a leave of absence.

Supervisors shall be encouraged to monitor employee behavior and assess possible warning signs indicating that the employee's work performance while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for serious concern regarding the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or compensatory leave, if applicable, or leave without pay if all paid leave has been exhausted pursuant to any applicable County policy for all time away from work, until such time the employee can safely return to work. Supervisors shall document the circumstances, and the employee may be reassigned to other duties where appropriate.

Pre-Employment Testing

Applicants selected for regular full-time employment are subject to pre-employment drug testing. All selected applicants for employment will be provided with written notification of this drug testing policy, and a pre-employment drug test may be conducted on applicants offered positions with Halifax County. Applicants will be notified in an offer letter that employment with Halifax

County is contingent upon negative test results. A job applicant who refuses to consent to a drug test will be denied employment.

The County shall also require pre-employment drug testing of temporary and part-time employees as well as a Commercial Driver's License (CDL) to perform the duties as an employee of the County and persons performing transit-related safety sensitive functions using vehicles. It is recommended that applicant testing be conducted prior to the first day of employment.

Random Testing

Random testing may be conducted for any County employee whose position is identified as safety sensitive. Testing may also be requested of any employee who is reasonably suspected of alcohol and/or drug use on the job, during working hours, or within the workplace.

Post-Accident Testing

Employees involved in a work-related injury or accident, including vehicle/equipment accident, may be required to submit an alcohol or drug screening test.

Reasonable Suspicion Testing

Department Heads who have reasonable suspicion (as defined herein) that an employee in his/her department is using or under the influence of drugs or alcohol, is authorized to schedule a drug and/or alcohol test and require the employee to cooperate fully with testing personnel.

Before a drug and/or alcohol test is administered, the Department Head shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. The consent form shall also set forth the following information:

- Procedure for confirming an initial positive test result
- Consequences of a positive test result
- Right of an employee to explain a positive drug test result and the appeal procedures available
- Consequences of refusing to undergo a drug test

An employee who refuses to consent to a drug and/or alcohol test, when reasonable suspicion of drug and/or alcohol use has been identified and documented, will be recommended for, and is subject to, dismissal.

The Test

Normally a urine, breath, mouth swab and/or blood test or industry standard testing will be used to determine the presence of drugs and/or alcohol. All personnel involved with the sample collection, transporting and testing, will maintain a strict chain of custody. Tests will be made in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws. The employee will be advised of the basis for the reasonable cause and the requirement that the employee sign a test consent form, methods of testing which may be used, substance which may be identified, importance of cooperating with the collection site personnel, confidentiality of individual test results and consequence of refusing to sign consent forms, failing to submit to immediate testing, failing to report for a specimen collection or receiving a

verified positive drug and/or alcohol test result. County personnel shall transport the employee to the test site immediately after signing the consent form and shall remain with the employee for the duration of the testing procedure.

If a test result is positive and after informing the County Manager, the Human Resources Management Director or Department Head will notify the employee or applicant in writing. The letter of notification shall identify the substance found. Such an applicant or employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended. The cost for a retest will become the responsibility of the employee.

A certified toxicologist of the approved laboratory as listed above will determine the content level of each substance needed to determine whether an employee has consumed or is under the influence of alcohol or drugs.

Consequence of a Positive Test Result

An applicant shall be denied employment if his/her drug test is positive. An employee who has a positive drug and/or alcohol test result, following the Department Head informing the County Manager, may be immediately terminated or required to participate in a second test.

Use of Results in Criminal Action

No test results of the County's drug and/or alcohol testing program may be used as evidence in a criminal action against the employee or job applicant except by order of a court of competent jurisdiction or otherwise as required by law.

Notification of Charge or Conviction

Each employee shall notify his or her supervisor of any charge or conviction for being in violation of any criminal drug statute immediately but no later than two days after being charged or convicted with a drug violation. The County Manager and the respective Department Head may place an employee who has been charged with violating a crime involving drugs on investigation with pay until pertinent details have been researched. It is not recommended that management place an employee on long periods of investigation with pay pending criminal court action. Department Heads are encouraged to research the circumstances and make a decision based upon available facts and may initiate disciplinary action up to and including termination of employment.

Additional Standards

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Council will be subject to the drug testing policies and procedures of the Council.

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements and/or who operate or maintain transit vehicles purchased with federal funding. Such tests will be conducted in accordance to federal guidelines and will include the following:

- Pre-employment testing for controlled substances
- Testing upon reasonable suspicion of alcohol or drug use

- Post accident testing within two hours of an accident that involves a fatality or the employee receives a citation where the accident results in any personal injury and/or a vehicle is required to be towed from the scene

Inspections and Searches

The County reserves the right to search employer-owned items used by employees (e.g., desks, lockers, vehicles, equipment, offices, etc.), and employees should not expect privacy in these areas. The employee's supervisor or Department Head and a witness may conduct search efforts.

Documentation

Each situation shall be documented as fully as possible and witnesses will be utilized to the extent it is practical. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances. Supervisory personnel must separate that employee from operating equipment or any other situation which may pose an immediate hazard. All referrals, documentation, and action relative to this policy shall be kept in strictest confidence.

Enforcement

Department Heads are responsible for the proper application of the procedures in their departments and for holding supervisors accountable for the daily implementation of this policy. Department Heads and supervisors shall be responsible for identifying abuse-related behavioral and performance problems, following the proper referral for testing, and taking appropriate disciplinary measures. Failure to act when the supervisor has reasonable cause to believe an employee is impaired while at work will result in disciplinary action being taken against the supervisor. If in doubt about what action to take, the supervisor should consult with the Department Head, the County Manager or the Human Resources Management Director. Supervisors shall make every effort to protect the privacy, confidentiality, and dignity of employees by minimizing the number of employees who learn of suspicions involving a co-worker's possible substance abuse or actions taken against that employee.

Alcohol and drug free workplace issues in the Sheriff's Office will be the responsibility of the Sheriff. The Sheriff will be responsible for reporting tests results as required to the North Carolina Sheriff's Education and Training Standards Commission on employees holding certification from that Commission.

Definitions

Approved Laboratory - A laboratory certified to perform drug and/or alcohol screening or testing by the National Institute on Drug Abuse (NIDA), which also meets the requirements of N. C. General Statute Section 95-231(1).

Reasonable Suspicion - A belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of legal and/or illegal drugs or alcohol while at work; Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to: observable occurrences, such as direct observation of drug and/or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol; a report of drug use by an employee while at work, provided by a

reliable and credible source; slurred speech, glossy eyes, flushed face, smell of alcohol, absences on Fridays and Mondays, a pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs; or evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working or while on the County's premises or operating or in possession of a County vehicle.

Safety Sensitive Positions – A position which entails the following: frequent repair, operation and/or maintenance of heavy equipment, trucks, or automobiles (at least 40 percent of the time on a regular basis); positions in which equipment operation is an important and primary job task on a periodic basis – in contrast to positions where driving is involved to transport himself or herself to other job sites); positions requiring work with or around large equipment or materials with a potential for hazards; positions requiring the transportation of clients in the custody of Halifax County Department of Social Services on a regular basis; or positions that include the function of rescuing and/or protection of human life.

Section 5.8 - Personal/Professional Demeanor

All employees are required to keep themselves neat, clean, and groomed in a professional manner. All employees shall present a professional appearance appropriate to their position, proper for the work activity and in a manner, which reflects favorably upon the County. Employees shall by virtue of their speech, dress, mannerisms, and any other observable behaviors, promote a general atmosphere of respect for the general public and fellow employees.

Section 5.9 - Professional Appearance Standards

The personal appearance of Halifax County employees is important because the impression made by employees on visitors and customers influences their image of Halifax County as a whole. Therefore, employees are expected to maintain a neat, well-groomed appearance at all times. Employees are expected to use good judgement in their appearance and grooming, keeping in mind the nature of their work, their own safety and that of co-workers, and their need to interact with the public, vendors, and/or customers.

Employees who report to work improperly dressed or groomed may be instructed by their Supervisor or Department Head to return home to change. The time that the employee is absent from work for this purpose will be charged towards vacation leave, sick leave, or compensatory/excess time if applicable. If no leave is available, the time will be leave without pay.

General Guidelines

For the purposes of clarifying what does or does not constitute appropriate attire, the following ground rules have been devised to serve as a guide. In addition to these standards, Halifax County reserves the right to address individual issues as they arise.

- Employees working with or near machinery or equipment should ensure that jewelry will not pose a risk to their safety or the safety of others.
- Hair must be neatly groomed.
- No vulgar tattoos shall be displayed in the workplace.

- Pierced parts of the body, other than ears and nose, may not be used to display jewelry at the workplace.

Unacceptable Clothing / Appearances for the Workplace

The guidance below is not an exhaustive list.

- Torn, frayed, distressed, excessively baggy, or low riding pants
- Shorts, skorts, mini-skirts, short dresses – more than 4 inches above the knee
- Strapless dresses or tops; spaghetti straps; halter or tube tops; muscle shirts
- Leggings as pants/ form-fitting pants; denim leggings, jeggings, denim jeans
- Sweat suits/sweatpants, warm up suits, overalls
- Hats or other head coverings unless required for work that is not climate-controlled, religious, or medical reasons
- Revealing clothing that exposes excessive amounts of skin including back, chest, cleavage, stomach, undergarments, or leg
- Skintight clothing
- Tee shirts, sweatshirts, or hats with inappropriate language, logos, or advertisements

Employees who work in the field may wear blue denim jeans and athletic shoes. Athletic shoes may also be worn, if necessary, due to a health condition. The Department Head may also make exceptions due to special work circumstances.

Section 5.10 - Solicitation

Halifax County prohibits solicitation for the sale of goods or services by employees or others on premises owned or operated by the County. Staff are not allowed to solicit donations for the Department or program they represent or the County without the knowledge and approval of the respective Supervisor, Department Head and County Manager. All solicited funds or merchandise solicited on behalf of the County must be submitted to the County Finance Director. No solicited funds are to be maintained outside the County's accounting system, and no County employee shall be coerced into purchasing sale goods.

Section 5.11 - Prohibited Use of County Property

Halifax County equipment, including filing cabinets, bookcases, desks, storage containers, electronic data processing equipment, furniture, vehicles and all other equipment available to and/or assigned to employees are intended for the official use and in the completion of assigned tasks of County employees. Supervisors, Department Heads and, as appropriate, other designated employees have unrestricted and unlimited access to this equipment and furniture and contents at any time, for any reason. Each employee is advised to use caution and sound judgment concerning the placement of personal items in offices, desks, equipment and other property of the County. The County assumes no responsibility for missing personal items. Employees are strictly prohibited from co-mingling personal records or property with official County records or property. Under no circumstances shall an employee store illegal drugs or alcohol, flammable materials, explosives, weapons or any items intended for use as weapons in one's office or other official environment. Personal storage spaces may be subject to search and seizure by law enforcement officers upon reasonable suspicion of possession of illegal

substances and/or weapons. Any violation of this policy will result in disciplinary action up to and including termination of employment.

Section 5.12 - Computer, Internet, and Social Media Policy

Computer and internet use are an important part of daily work in local government. This policy is designed to identify authorized and unauthorized uses of County computer equipment and internet service, as well as proper use of social media platforms when appropriate.

Employees are expected to use the internet responsibly and productively. Internet access is limited to job-related activities only, and personal use is not permitted. Job-related activities include research and educational tasks that may be found via the internet that would help in an employee's role. All internet data that is composed, transmitted and/or received by the County computer systems is considered to belong to the County and is recognized as part of its official data.

This policy applies to all users of the County computer equipment, including all regular, temporary, full-time, and part-time employees, volunteers, and independent contractors. All users will be required to read the policy and sign a statement acknowledging receipt of the policy at the time the employee is given a user password for access to the County computer system.

Password

Each computer user will be assigned a user password for accessing the computer. Passwords must be closely safeguarded. If a user feels his/her password has been compromised, the user should immediately notify the Information Technology Services (ITS) department to disable the old password and issue the user a new password.

Software

No modification to hardware or software on County computer equipment is to be permitted without the knowledge and consent of the ITS department. Users may only use computer software that is properly purchased and licensed by the County. No one may copy County-owned software for use on a computer outside of the County computer system.

Virus Protection

Every computer user must remain alert to the possible transmittal and infection of a computer virus. Appropriate anti-viral software will be loaded onto every County computer. If a virus is detected, the user must immediately cease computer activity and notify the ITS department.

Internet Use

Use of the internet is encouraged for research, education, and communications for County-related business only. Uses that interfere with normal business activities, of a personal nature, that involve solicitations, are associated with any for-profit business activities, or involve content that is fraudulent, harassing, embarrassing, indecent, racist, discriminatory, political, profane, obscene, or intimidating are strictly prohibited.

Downloading programs and files may violate copyright laws or introduce a virus into the computer network. Downloading material for personal use or from inappropriate sites is prohibited.

All sites and downloads may be monitored and/or blocked by the County if deemed to be harmful and/or not productive to business.

Unacceptable uses of the internet by users include, but are not limited to the following:

- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via County email
- Using computers to perpetrate any form of fraud
- Downloading, copying, or pirating software and electronic files that are copyrighted or without authorization
- Stealing, using, or disclosing someone else's password
- Sharing confidential material or proprietary information outside of the County
- Hacking into unauthorized websites
- Sending or posting information that is defamatory to the County, its services, colleagues and/or customers
- Introducing malicious software onto the network and/or jeopardizing the security of the County's electronic communications systems
- Sending or posting chain letters, solicitations, or advertisements
- Passing off personal views as representing those of the department or County

If a user is unsure about what constitutes acceptable internet usage, then he/she should ask his/her supervisor for further guidance and clarification.

Streaming

Streaming is accessing audio/video content via the internet. There are some legitimate business reasons to access streamed audio and video files, such as engaging in training, reviewing news or industry-related content, and conducting business research.

However, streaming is often primarily for entertainment with no connection to County business. Streaming music or videos consumes critical bandwidth, system resources, and device storage capacity.

Bandwidth priority must be given to critical applications and services that are directly related to County business. Therefore, streaming music and videos via County internet or Wi-Fi is prohibited.

Social Media

Social media includes internet-based applications and websites used to share and discuss information. Examples of social media include but are not limited to the following: forums, blogs, social networking sites, message boards, newsgroups, podcasts, real time web communication, and any similar communication form.

The County uses social media to communicate with stakeholders, media, employees and citizens. These guidelines outline how the County presently uses social media and will evolve, as new technologies and platforms emerge.

Departments that use social media are responsible for complying with applicable federal, state, and County laws, regulations, and policies, including adherence to copyright, records retention, First Amendment, and privacy laws. Each department is responsible for monitoring posts and taking appropriate action when necessary to protect visitors from inappropriate or technically harmful information and links. Social media pages and content that violate this policy will be removed. Social media pages, content, and comments are considered public records and are subject to public records laws.

Employees posting to social media accounts on behalf of the County and/or department must follow appropriate behavioral standards online. The same laws, professional expectations, and guidelines for interacting with citizens apply online as in the real world.

E-mail

The County e-mail system is to be used for official County business only. E-mail content is the user's responsibility. Users should exercise great care in drafting e-mail content. Information transmitted through e-mail should not include confidential information. The information should be considered public and is subject to the public records laws.

E-mails sent via the County email system must not contain content that is deemed to be offensive or unlawful, including fraudulent, harassing, embarrassing, indecent, racist, discriminatory, political, profane, obscene or intimidating material. Users encountering or receiving such material should immediately report the incident to their supervisor.

Users should be especially cautious when receiving e-mails from unknown senders, especially when such e-mails contain suspicious attachments and/or links. Users should never attempt to open suspicious attachments or links without verifying the legitimacy of the sender and the attachment/link. Upon receipt of a suspicious e-mail that may or may not include an attachment or link, users are instructed to forward the e-mail to the ITS department for further investigation.

The County acknowledges that users may from time to time receive e-mails that contain inappropriate content. Users will not be held responsible for receiving such e-mails. However, it is the user's responsibility to report the receipt of such an e-mail to his/her supervisor and the ITS department.

Enforcement

The equipment, services and technology used to access the internet are the property of County. The County is able to access the memory of County computers to monitor internet activity. The County reserves the right to access, audit or review internet activity and e-mail transmissions. Violations of this policy may result in appropriate disciplinary action up to and including dismissal.

Section 5.13 - Viewing of Pornography on County Networks and Devices

Pursuant to G.S. 143-805, the viewing of pornography on county networks and devices is prohibited. No employee, elected official, or appointee of Halifax County shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the County, whether on a device controlled by the County or on a privately owned, leased, maintained, or otherwise controlled device. G.S. 143-805(d) provides the recommendations for appropriate viewing in the course of an official's or employee's Official duties.

Annually, no later than August 1 and in the format required by the State Chief Information Officer, the County Manager or designee shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on the County's network.

The terms used herein shall be defined as set forth in G.S. 143-805(g).

Any employee, elected official, or appointee of the County who has saved pornography to a device owned, leased, maintained, or otherwise controlled by the County shall remove, delete, or uninstall the pornography no later than January 1, 2025.

Any employee of the County who becomes aware of a violation of any provision of this policy shall report the violation to the County Manager or designee. If the violation was by an appointee of the Board, the County Manager shall report the violation to the Board unless the appointee first resigns from the position held.

Any employee of the County who violates any provision of this policy shall be subject to disciplinary action under the County Personnel Policy.

Any appointee of the County who violates any provision of this policy shall be subject to removal by the Board.

Section 5.14 - Confidentiality

No employee or official shall use or disclose information gained during employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member or any other private or political interest to the detriment of the County. No employee or official shall disclose confidential or privileged information concerning personnel matters, protected health information, property, contract negotiations, litigation related matters or other affairs of the County which are afforded protection under State law.

A violation of confidentiality may be grounds for immediate dismissal for reasons of unacceptable personal conduct.

Section 5.15 - Risk Management

Any County employee having knowledge of or a reason to know of a potential issue which may become problematic or may result in some form of litigation for the County, must notify their immediate supervisor who in turn, shall notify the Department Head and Finance Director. Such issues include, but are not limited to, reports or threats of litigation, and any other situation which may present a potential liability to the County. County employees shall not testify in court without a valid subpoena or court order, or as directed by the Department Head who will notify the Finance Director.

Section 5.16 - Employee Responsibility to Report Evidence of Fraud or Violation of Laws

It is the policy of Halifax County that employees are required to report verbally or in writing to their immediate supervisor, Department Head or Human Resources Management Director evidence of activity, with respect to Halifax County operations, by another employee or private citizen constituting:

1. A violation of State or Federal law, rule or regulation
2. Fraud
3. Misappropriation of Halifax County resources
4. Substantial and specific danger to the public health and safety
5. Gross mismanagement, a gross waste of monies or gross abuse of authority

Further, it is the policy of Halifax County that no employee reporting evidence of such activity in good faith shall be retaliated against in any fashion for having done so.

Section 5.17 - Reasonable Accommodation

The County is committed to complying with the Americans Disability Act (ADA), Pregnancy Discrimination Act, and the Americans with Disabilities Amendment Act (ADAA), and maintains equal opportunity in employment for all qualified persons with disabilities and those who are pregnant. Accordingly, the County will provide a reasonable accommodation to qualified individuals with disabilities, unless it creates an undue hardship or poses a direct threat to the health and safety of others. While many pregnant individuals and individuals with disabilities can work without accommodations, other qualified applicants and employees may face barriers to employment without the accommodation process.

This policy will assist employees and applicants for employment in requesting and processing reasonable accommodation requests. This policy also prohibits retaliation against employees who make accommodation requests.

Employees shall inform their supervisor and Human Resources Director or designee of the need of accommodation. Once notified, Supervisors should contact Human Resources for assistance.

Reasonable Accommodation (Disability)

The County will make reasonable accommodation for a qualified applicant or employee if the accommodation does not impose an undue hardship on the operation of the County's business.

Reasonable Accommodation (Pregnancy) – The Pregnant Workers Fairness Act

The County will make a reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions of a qualified applicant or employee if the accommodation does not impose an undue hardship on the operation of the County's business.

For additional information addressing the Americans Disability Act, consult website: www.ada.gov

Section 5.18 - The Providing Urgent Maternal Protection Act (PUMP Act)

Under the Fair Labor Standards Act, employees must be allowed the right to take reasonable break time to express breast milk for their nursing child each time such employee has need to express the milk. This right is available for up to one year after the child's birth.

Covered employees must be provided with a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. This location must be functional as a space for expressing breast milk.

Under the FLSA, when an employee is using break time at work to express breast milk they either be completely relieved of duty or must be paid for the break time.

Employees should inform their supervisor when they need to use this policy, so accommodation can be arranged for a reasonable break time. Supervisors should clearly understand whether the employee will be working during this break or will be completely relieved of duties to ensure accurate pay for the employee. When placed in a workplace refrigerator, breast milk must be labeled with the name of the employee and the date of expressing the milk. Non-conforming products stored in the refrigerator may be removed. The employee storing the milk in the refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and/or tampering.

Section 5.19 - Age Discrimination Act

The Age Discrimination Act of 1975 as amended from time to time prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meets the Act's requirements.

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and above from discrimination on the basis of age in hiring, promotion, discharge, compensation, and other employment terms and conditions. The Equal Employment Opportunity Commission (EEOC) enforces the Age Discrimination Employment Act. Supervisors and Department Heads are accountable for enforcing the law and shall make every effort to avoid any discriminatory acts in regard to an employee's age.

Section 5.20 - Attendance Policy

Regular attendance is essential to department operations. An employee is expected to be present and on time as scheduled. If an employee is going to be late or unable to work because of illness, the supervisor should be notified before the start of the workday unless extenuating circumstances exist and then not later than 30 minutes after the beginning of a scheduled working day. Exceptions to this policy include employees of the Central Communications Division, Emergency Medical Services Division and the Sheriff's Office who are typically required to provide an earlier notification. The Department Heads in other County departments may determine the attendance policy requirements in their respective departments. Notification by another employee, friend or relative is not acceptable except in an emergency situation where the employee is physically unable to make the notification. Leaving messages is not considered satisfactory notice. Employees must speak with his/her Supervisor or with another appropriate contact within the proper chain of command. This provides an opportunity for the supervisor to schedule a replacement or reschedule work as necessary. Tardiness, excessive absences without leave or notice interferes with the Department and County objectives and may result in disciplinary action up to and including dismissal.

Section 5.21 - Outside Employment Policy

The work of the County shall take precedence over other occupational interests of employees. Violation of this policy or conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

County employees shall obtain advance approval for outside employment of any nature. Request for permission to engage in outside employment shall be submitted to the Department Head for approval, in writing, prior to engaging in or accepting work. All outside employment for salaries, wages or commissions must be reported to the employee's Department Head before work begins. Once the outside employment request is approved, the employee shall submit an annual request to the Department Head for review and to ensure the outside employment does not cause any department disruption. The assumption of outside employment without prior approval or the inability of the employee to perform the essential functions of his/her job may be deemed improper conduct and subject the employee to disciplinary action up to and including dismissal.

Outside employment for Department Heads is discouraged. In the case of Department Heads who are subject to the State Human Resources Act, requests for permission to engage in outside employment shall be submitted, in writing, to the Department Head's governing Board of Directors for consideration and in consultation with the County Manager. All other requests for Department Heads to engage in outside employment must receive approval from the County Manager.

Section 5.22 - Dual Employment Within the County

A County employee may not be simultaneously employed with more than one County agency or department unless special approval is received from the County Manager. This restriction is

necessary due to the provisions of the Fair Labor Standards Act which would require overtime compensation for non-exempt employees for all time worked in excess of forty (40) hours in a workweek.

Section 5.23 - Limitation of Employment of Relatives

In order to promote equal opportunity for employment for all qualified individuals, members of an immediate family shall not be employed within the same operational department unit or section. This applies in situations where such employment will result in one family member supervising another member of his or her immediate family or where one member occupies a position which has influence over the other member's employment, promotion, salary administration or other related management or personnel considerations. Special considerations may be approved by the County Manager.

The term "immediate family" is defined as employee's father, mother, wife, husband, son, daughter, brother, sister, grandmother, grandfather, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, brother-in-law, grandson, granddaughter, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother.

The Board of County Commissioners shall approve the appointment by the Sheriff or by the Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin as required by Chapter 153A-103(1) of the North Carolina General Statutes.

The provisions of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with this policy prior to its adoption.

Section 5.24 - Performance Appraisals

The performance appraisal is an opportunity to clarify the past and set a corrected course for the future. A performance appraisal may be conducted at the end of an employee's probationary period and thereafter on an annual basis on the employee's anniversary date. Although employees and supervisors are strongly encouraged to practice daily communications, the performance appraisal gives both the employee and the supervisor an opportunity to communicate on a one-to-one basis to discuss aspects of the employee's performance and job expectations. All performance appraisals must be processed through the Human Resources Management Department and must be filed in the employee's personnel record.

Section 5.25 - Safety

Halifax County is committed to providing a safe and healthy workplace for all employees. The County complies with all applicable requirements issued by the federal and state Occupational Health and Safety Administration. All employees share the responsibility for the success of the safety and health program with the objective to reduce or eliminate injuries and illnesses. The County will exercise all precautions necessary to protect employees from accidents. Employees are expected to take an active role in promoting workplace safety. For more information on

safety and health procedures, employees should contact the Department Head or the Finance Director.

Employees shall follow the safety policies and procedures, attend safety training programs, and must immediately report all work- related injuries or occupational diseases to their Supervisor, Department Head, and Finance Director. Employees who violate such policies and procedures may be subject to disciplinary action up to and including dismissal.

Section 5.26 - Tobacco Use Policy

Tobacco and E-Cigarette use is prohibited in any portion of any indoor facility owned or leased by the County and in any vehicle owned or leased by Halifax County. Employees are prohibited from smoking in a personal vehicle while transporting clients and/or citizens within the County. No tobacco and E-Cigarette use is permitted within fifty (50) feet of all County building entrances and exits.

Section 5.27 - Workplace Violence

It is the intent of Halifax County to provide a workplace for employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. This policy applies to all employees as well as contractors and visitors to County premises. Halifax County recognizes that this does not act as a guarantor of the safety of employees and other persons in the workplace.

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

Halifax County is concerned about every individual's wellbeing and personal safety while on County property. Acts of violence and/or threats of violence, including any act of an assault nature, whether expressed or implied toward individuals, while on County property, are prohibited. Included are acts of violence, regardless of hours, when such conduct stems from County business or may affect County business, operations, reputation or employees, regardless of the time or location.

Should a threat or act of violence become known, employees should immediately report the incident to someone in management, providing as much information as possible. Incidents reported to management should be forwarded to the Sheriff, County Manager, and Human Resources Management Director. Employees should also report incidents that occur outside of business hours yet result in a possible disruption or have a potential negative impact to the agency or Halifax County.

All reports regarding threats or acts of violence will be kept confidential. Employees are required to report such incidents without regard of fear of retribution. Failure to report such incidents may result in disciplinary action.

Any employee initiating and/or participating in such conduct will be subject to disciplinary action, up to and including termination and/or a criminal complaint. In addition, any employee not terminated for such conduct may be required to submit to a fitness for duty evaluation before returning to work to ensure that he/she does not present a threat to persons and/or property. Any person who is not an employee, such as a contractor, vendor or visitor, will be subject to removal from County property and/or a criminal complaint.

For informational purposes only, an employee who receives a protective/restraining order, which lists the County owned or leased property as a protected area, is required to provide the Human Resources Management Director a copy of the official document.

Definitions

Intimidation - Engaging in actions that include but are not limited to, stalking or behavior intended to frighten, coerce or induce duress

Threat - Expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical attack - Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects

Domestic Violence - Use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship; This could include people who are married, live together or date, or who have been married, live together or dated.

Property damage - Damage to property and includes property owned by the County, employees, visitors, or vendors

Section 5.28 - Sexual Harassment Policy

Halifax County is committed to providing all employees with a work environment that is free of sexual harassment and other unlawful harassment. Therefore, the County strictly prohibits all forms of sexual harassment, other unlawful harassment or workplace violence in the employment relationship and in the employment context. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on County premises and whether or not the incidents occur during working hours.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which is explicitly or implicitly tied to a term

or conditions of employment, which unreasonably interferes with an employee's performance on the job, or which creates an intimidating, hostile or offensive working environment. Sexual harassment can include, but is not limited to threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request; denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request; promising of job benefits in exchange for sexual favors; offensive or unwelcome physical contact or touching; sexual advances or offensive propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace. Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by employees or prospective employees. Sexual harassment may include any conduct, whether between male/male, female/female, or male/female, of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

Section 5.29 - Unlawful Workplace Harassment

No retaliation or other adverse action will be taken against an employee who makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee. In response to a charge of harassment, the County will take immediate action to investigate thoroughly all charges and to take appropriate remedial measures to end any harassment and to prevent any future harassment. Disciplinary action including, but not limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment.

No employee may engage in conduct that falls under the definition of unlawful workplace harassment. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation.

Any employee who perceives harassment must submit a written complaint containing specific information to their Department Head. Department Heads shall investigate; take appropriate corrective and remedial action and address in writing within 60 days of receiving the complaint.

In cases where the complainant is a General County Employee, the Department Head will report findings to the County Manager. If the complainant perceives the harassing behavior is provided by the Department Head, the complainant must report the incidents to the Human Resources Management Director who will investigate and report all findings to the County Manager. Findings may include disciplinary action up to and including dismissal.

In cases where the complainant is governed under the State Human Resource Act, any employee who alleges unlawful workplace harassment based on age, sex, race, color, national origin, religion, or handicapping conditions as defined by General Statute 168A-3 must submit a written complaint to the agency director within 30 calendar days of the alleged harassing action.

The agency director shall take appropriate remedial action within 60 calendar days from receipt of the written complaint and shall provide a written response to the employee when the agency has determined what action, if any, will result from the employee's written complaint.

Definitions

Unlawful Workplace Harassment - Unwelcomed or unsolicited speech or conduct based upon race, sex, color, religion, national origin, age, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo

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

Quid Pro Quo Harassment - Sexual advances, requests for sexual favors or other verbal or physical conduct when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual

Retaliation - Adverse treatment which occurs because of opposition to unlawful workplace harassment

Section 5.30 - Bloodborne Pathogens Policy

Halifax County has adopted plans and procedures to comply with all requisite provisions of the Occupational Exposure to Bloodborne Pathogens Standard issues by the U.S. Department of Labor's Occupational Safety and Health Administration, and the approved plan requirements related which are promulgated by the North Carolina Department of Labor. Bloodborne Pathogens Plans are located within each applicable department.

Section 5.31 - Motor Vehicle Policy

The purpose of this policy is to outline driver's license requirements, vehicle safety rules/regulations, and accident reporting procedures. This policy has been created in an effort to prevent and reduce accidents, injuries, property damage, and maintenance costs.

Driver's License Requirements

- All applicants must possess a valid driver's license if the position for which they are applying requires operation of a County vehicle or specific equipment.
- All employees operating County vehicles and personal vehicles used in County business must possess a valid driver's license for the type and class of vehicle to be driven.

- NC licensed employees will be enrolled in the North Carolina Transit Notification System upon hire. The NCTNS notifies the County when convictions are posted to an employee's record. The County will perform an annual review of all employees' driving records.
- Employees working in certain job classifications may be required to possess a Commercial Driver's License (CDL) to operate designated vehicles and/or equipment. Successful job applicants, which may include current employees promoted or re-assigned to positions requiring a CDL, shall have the appropriate CDL at time of employment, promotion, or reassignment. Management may approve a 90-day window to obtain the appropriate CDL.
- When an employee's overall driving record reveals a pattern of convictions for traffic offenses, and the employee's capacity to safely operate a County vehicle or equipment is questionable, the County reserves the right to approve or disapprove the continued operation of a vehicle or equipment.
- Any employee in a position requiring a valid driver's license is subject to disciplinary action up to and including dismissal for violations. Any employee who has a driver's license suspended or revoked shall not operate a County vehicle and shall immediately report a suspension or revocation to the supervisor.

Vehicle Safety Program Rules

Employees shall remain knowledgeable and comply with all Federal and State motor vehicle laws and regulations. Employees shall comply with Article V, Section 6 of this Personnel Policy regarding Halifax County's commitment to an Alcohol and Drug Free Workplace. All employees driving County vehicles or personal vehicles on County business will observe the following vehicle safety program rules and regulations:

- Employees shall practice effective defensive driving techniques. Employees will complete defensive driving training upon employment, after each vehicle accident, and/or every three (3) years. Employees who operate County vehicles must complete the Defensive Driving Course within six (6) months of employment.
- Only employees or appropriate persons engaged in business with the County and approved by the department head or designee shall ride in a County vehicle.
- County vehicles shall be used for work-related duties only. County-owned vehicles shall be used for official business with reasonable consideration for meal and/or restroom breaks while conducting County business.
- When a vehicle is not being used for County business purposes, it is to be kept on County premises or a designated area determined by Department Head.
- No County vehicle will be driven to an employee's home unless the employee is subject to frequent/emergency duty after normal working hours. Department heads may make an exception if an employee is leaving early the following morning to conduct County business.
- Employees who are assigned vehicles must report mechanical problems to the supervisor immediately. The employee is responsible for scheduling proper maintenance of the vehicle or reporting the need for regular maintenance to the supervisor.

- Only county-issued equipment needed to perform the specific work function may be stored in a vehicle. Halifax County will assume no responsibility for personal property stored in a County vehicle.
- Unsecured items shall not be placed on the dash of a vehicle. Tools, equipment and materials carried in the truck bed shall be secured by using rails and tailgate. Sufficient tie-downs shall be used to ensure the safety of transported materials.
- A vehicle shall not be left unattended while the engine is running. If it is necessary to leave the vehicle running while it is unattended, the transmission shall be placed in park, and the parking brake activated.
- Except in extreme emergencies, keys shall be removed from the ignition, and the doors locked on an unattended vehicle.
- Employees should attempt to park, so they avoid having to back out/up when leaving. If backing will be necessary, employees will conduct a 360-degree walk-around of the vehicle to identify any potential hazards prior to entering the vehicle.
- Drivers of assigned vehicles should visually examine the vehicle at the beginning and end of their shift/day and report any physical damage, malfunctioning signals and lights, tire concerns, etc. to the supervisor.
- Employees shall not alter or tamper with vehicle safety features.
- Gas cards issued for County vehicles are to only be used in providing gas/oil to the specific vehicle. When filling the unit, the employee should use fueling locations that support the gas card, and the employee should record the odometer reading.
- Smoking or tobacco product usage by the driver or passengers in a County vehicle is prohibited (see Tobacco Use Policy, Article V).
- Only items authorized by County management will be installed or placed on County vehicles.
- County vehicles must be white, unless unavailable, and marked as required by North Carolina General Statute 20-39.1 with the County Seal.
- Any cellular phone use during the operation of a motor vehicle is required to be hands-free. Usage including texting, reading text, reading e-mail, composing email, taking photographs, and/or videoing are prohibited while operating a moving vehicle for County business. Employees should safely park the vehicle before using a cellular phone without a hands-free device. Failure to follow this procedure will result in disciplinary action.
- County employees will not use County vehicles for any private enterprise or personal convenience, and any misuse will result in disciplinary action (See Conflict of Interest, Article V).
- All County employees using personal vehicles while conducting County business must maintain sufficient insurance and have proof of insurance available at all times.

Vehicle Accident Reporting

In the event of an accident involving a County vehicle, the following procedure shall apply:

- Notify law enforcement officials and supervisor immediately. Employees should not move the vehicle until law enforcement arrives, unless necessary for safety reasons.
- Offer no information at the scene regarding the responsibility of the accident. Present insurance information to the responding officer. Under no circumstance should the employee, supervisor, and/or department head advise the third party of insurance

coverage or actions taken by County officials. Any related questions or problems shall be referred to the Risk Manager or County Manager.

- Complete an Employee Incident Report that describes the accident. The reporting law enforcement officer will complete an in-depth report. Ask the officer where and when a copy of the report may be obtained. Pictures of the accident area and property damage should be taken. An estimate of damages should also be obtained and forwarded to the Risk Manager and/or department head.

Section 5.32 - Travel Expense and Reimbursement

Authorized travel is not a right or privilege of position. The County funds all legitimate expenses incurred by officials and employees traveling on authorized County business consistent with the regulations set forth by the Internal Revenue Service. The department head or his/her designee is responsible for monitoring the need for the travel, the availability of funds for the travel, and the conduct of the travel, so the cost is held to a reasonable minimum.

The Travel Authorization form must be completed by the departments and approved by the County Manager or his/her designee. A copy of the program agenda must be attached to the authorization form. These procedures must be completed and approved prior to booking reservations. Travel advances should be processed in the accounts payable check run closest to the employee's departure date. No off-line checks will be issued for travel advances. Upon return from the approved travel, the Travel Reimbursement from County Advance form with receipts attached must be completed within five (5) days, or the entire advance will be deducted from the next payroll check.

Out-of-State Travel

The County Manager must authorize any out-of-state travel.

Out-of-County Travel

The County Manager or his/her designee must approve out-of-county travel for all departments. It is required that all employees use a county-provided vehicle when one is available for travel. In the event that a county-provided vehicle is not available, and the employee must use his/her personal vehicle for travel, the employee will be reimbursed per mile at the current fiscal year rate from the primary work site to the travel destination. If a county vehicle is available, and the employee elects to drive his/her personal vehicle instead, then the employee will not be reimbursed for mileage.

In-County Travel

The department head must approve in-county travel to meetings, seminars, or other similar functions, regardless of the distance. It is required that all employees use a county-provided vehicle when one is available for travel. In the event that a county-provided vehicle is not available, and the employee must use his/her personal vehicle for travel, the employee will be reimbursed per mile at the current fiscal year rate from the primary work site to the travel destination. If a County vehicle is available, and the employee elects to drive his/her personal vehicle instead, then the employee will not be reimbursed for mileage.

Air Travel

Air travel arrangements shall be made at the lowest fare available depending upon the travel circumstances and requirements. All air travel will be coach service unless approved otherwise by the County Manager. An approved air traveler may retain frequent flyer points/miles, provided the traveler has obtained the lowest fare possible with any carrier. Selection of higher fares or the manipulation of routes for the purpose of accruing points/miles is prohibited.

Lodging

Travelers should take advantage of special convention or block rates. Reimbursement for lodging expenses will not be considered taxable income to the employee. If the employee is required to travel requiring departure prior to 6:00 a.m. or return later than 10:00 p.m. the same day, then the County will authorize one overnight stay.

Meals and Gratuity

Reimbursement for meals (including gratuity) shall be documented by itemized receipts with the maximums listed below. Breakfast reimbursements will not be allowed when the hotel offers a complimentary continental meal or the conference/meeting offers an included meal. The County will not reimburse for alcohol.

Expense	In-State	Out-of-State
Meals	Maximum	Maximum
Breakfast	\$10.00	\$12.00
Lunch	\$15.00	\$15.00
Dinner	\$25.00	\$29.00
Daily Total	\$50.00	\$56.00

On the originating day of any travel, the meal schedule shall be as follows:

Breakfast – departure prior to 7:00 a.m.

Lunch - departure prior to 10:00 a.m. and return after 2:00 p.m.

Dinner - return after 7:00 p.m.

Meals will be reimbursed according to the schedule described above and may be reported to the Internal Revenue Service as taxable income to the employee. If the employee is traveling overnight, the meal amount will not be reported as taxable income to the employee.

Car Rentals

The appropriate department head and the County Manager shall approve car rentals in advance. Car rental expenses incurred while on County business are reimbursed upon the completion of the trip. Rental receipts are required to be submitted with the expense report for reimbursement. The County has approved the use of compact or medium sized cars. Larger cars should be used only when the number of people in the travel party so dictates. Liability and collision insurance should be purchased on rental vehicles to protect the traveler and County in case of accident. Such coverage is not included in the County's regular insurance coverage.

Public Transportation

Reasonable expenses are paid for public transportation connected with out-of-county travel on County business. Travelers are expected to use the most economical means of transportation available. Reimbursement for travel expenses to the airport from the traveler's office or home may include personal auto mileage and parking costs or alternate methods of transportation.

Personal Auto

When travel is authorized by personal automobile, the County Commissioners will set the amount of reimbursement per mile annually. Reimbursement for use of a personal automobile for out-of-state travel, in addition to the cost of any extra meals and lodging resulting from such use of the personal automobile, shall not exceed the otherwise applicable airfare for such travel for the official/employee.

Incidental Expenses

Incidental expenses for authorized travel incurred by the County Commissioners, County Manager, Deputy County Manager, Assistant County Manager, and department heads while transacting County business may be reimbursed and will be identified on the Travel Expense Report under the Other Expense category. Supporting documentation for such expenses must include valid receipts and must list the date, description of expenses discussed, names and organization or company affiliation of persons attending the conference or meeting.

No Duplicate Reimbursements

All expenses are to be deducted from other applicable reimbursed categories. For example, an official/employee shall not be permitted to report his/her meal cost as part of a conference expense and claim the full meal allowance as a separate reimbursement.

Ineligible Expenses

The county will not reimburse for traffic violations, towing charges, or expenses related to acts of negligence by the employee.

Refunds

In the event of canceled travel plans, the traveler shall pursue all refunds available.

Section 5.33 - Cellular Phone Policy

Halifax County provides cellular phones and related equipment for the use of County employees where these devices will improve efficiency and work performance. Department Heads will be responsible for determining which positions within their department will be issued a cellular phone for work purposes. Every employee has an obligation, with respect to the use of telephones for personal use, to enhance and maintain a positive County and Department image.

Employee Responsibility

Employees are encouraged to use the telephone to communicate with citizens, patients, client, coworkers and the public related to services and other programs offered by the County. They are responsible for acquiring information related to facilitating the performance of regular duties and facilitating performance of any task or project in a manner approved by the supervisor or department head.

Each employee shall be responsible for equipment assigned, including its use and protection. Each should also read and thoroughly familiarize themselves with the manual contents. Warranties do not include abuse or water damage.

Employees are prohibited from incurring any excess charges for uses such as data usage, app purchases on the County account. If excess charges are billed, they are the responsibilities of the employee and will be required to be paid in full immediately. International calls are prohibited. Any charges incurred while traveling will be the responsibility of the employee.

Any cell phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cell phone with date capabilities is stolen or missing, it must be reported to the employee's supervisor and to Information Technology Services immediately.

Employees should limit the use of a cellular phone while operating a motor vehicle. Any cellular phone use while operation a motor vehicle must be done using a hands-free device. Usage such as texting, reading text, reading e-mail, composing an email, taking photographs or videoing are prohibited while operating a moving vehicle for County business. Employees should safely park their vehicle before using a cellular phone without a hands-free device. Failure to follow this procedure will result in disciplinary action.

No employee is to use a County owned phone for the purpose of an illegal transaction, harassment or obscene behavior. Other prohibited activities include using offensive or harassing statements or language including disparagement of others based upon their race, national origin, sex, age, disability, genetic information, religious or political beliefs or other legally protect basis. Employees must not send, receive or solicit sexual oriented messages or images. Employees must not operate a business, solicit money for personal gain or search for other employment. They must not gamble or engage in any other activity in violation of local, state or federal law. They must not permit another person to have access to the telephone by using employee's assigned phone and must not use a cellular phone excessively for unrelated assigned duties.

Personal Cellular Phones

During paid work time, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of any work telephone. Excessive personal calls and use, including text messaging, during the workday, regardless of phones used, can interfere with employee productivity, be distracting to coworkers and may result in considerable disruption for the program and/or work activity. A reasonable standard the County encourages is to limit

personal calls during work time only for crucial, emergency calls. Employees are expected to make personal calls during non-work periods when possible and to ensure that family and friends are knowledgeable of the policy for making and receiving calls.

Devices issued by the County are the property of the County and shall be returned upon the employee leaving employment with the County. Halifax County may obtain possession of any County device at any time. Employees who separate from employment with outstanding debts for equipment, loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Telephone/cellular phone activity is subject to auditing and inspection at any time. Employees should be aware that they have no right or legitimate expectation to privacy. Auditing may be implemented within all networks that connect to support identification, termination and prosecution of unauthorized activity.

ARTICLE 6

HOLIDAYS AND LEAVE OF ABSENCE

Section 6.1 - Paid Holidays Observed

Halifax County will follow the same paid Holiday schedule adopted by the State of North Carolina. Part-time employees are not eligible for paid holidays. Employees on any form of unpaid leave will not be compensated for holidays occurring during that leave. Employees separating from County employment are not entitled to any scheduled holiday occurring after the last day of work, except when the last day of work is a holiday and the employee is in pay status through the last available workday. The last day of work is defined as the last day physically on the job.

Regular holidays that occur during an annual, sick, or other paid leave period of any employee of the County shall not be charged as annual, sick, or other paid leave. Employees who work shifts and are regularly scheduled on holidays are exempt from the above rule.

It is recognized that the Sheriff's Office and Emergency Services have a separate holiday schedule applicable to the employees working on assigned shifts in maintaining a twenty-four-hour operation. The schedule will designate as holidays the specific dates of the legal observances rather than substitute weekdays when the observance occurs on Saturday or Sunday. This would maintain compliance with the purpose of the holiday premium pay policy.

Section 6.2 - Religious Observances

Employees who wish to use leave for religious observances must request leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the County.

Section 6.3 - Holiday Pay

Employees who are required to work on a County holiday and are full-time, regular status, or probationary, shall receive additional holiday pay of 7.50 hours equal to their regular rate of pay.

Section 6.4 - Adverse Weather Conditions

In situations involving inclement weather, heavy snowstorms or other unusual weather conditions which affect the operations of all or a majority of County Departments, it is responsibility of the Department Head to ensure that his or her department or office is opened to the public at the usual time, unless prior authorization to deviate from the normal schedule has been received from the County Manager's Office.

Unless a public announcement or other notice has been given that County Departments will close, employees are expected to be at work during normal working hours. The County Manager or County Manager’s designee will normally issue public announcements as soon as possible of any authorized closing. County offices and Departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from the customary schedule is received from the County Manager’s Office. All Departments and Offices will be given sufficient advance notice of any authorized early closing. Employees who leave work before an official early closing time, as well as those employees who report for work late, or do not report for work at all, will be required to use compensatory/excessive time, annual leave, or sick leave (in that order) for days or hours taken. Department Heads may approve specific make-up time for employees who elect to make up time lost due to weather conditions as long as the time can be made up within the same work week.

Mandatory Operations

Certain employees work in positions that are critical to providing support services to the citizens of the County, regardless of the weather conditions and whether or not the County Departments and Offices are operating. Department Heads designate these essential positions, with approval from the County Manager. Certain departments, such as the Emergency Services Department and the Sheriff’s Office are always essential to the operations of the County; others may be based on the needs at that particular time.

Section 6.5 - Annual Leave

Annual leave with pay is not a right that an employee may demand but a privilege granted by the Board of County Commissioners for the benefit of an employee when appropriate. The primary purpose of paid annual leave is to allow every employee to renew his or her physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year to achieve this purpose. Annual leave is credited to employees who are in pay status, working, on paid leave for one-half or more of the regularly scheduled workdays and holidays in the pay period in accordance with the provisions outlined below.

- For earning and accruing annual leave, the period of twelve calendar months between January 1 and December 31 is established as the leave year.
- Each full-time regular status, probationary, or trainee employee occupying an officially budgeted position shall earn annual leave monthly in accordance with the following schedule of total service:

Rate of Accumulation

Years of County Service	Hours Accrued Annually
Less than 2 years	90
2 years but less than 5 years	105
5 years but less than 10 years	127.56
10 years but less than 15 years	150
15 years or more	165

- Any new employee, regardless of service time with another county or state agency, shall begin accumulation of annual leave hours in Halifax County based on the rate of 7.50 hours for a 37.5-hour employee or the minimum amount of leave for the total amount of years of service. Any employee transferring from one department to another within Halifax County will continue to earn annual leave at the rate associated with their service years in Halifax County as long as there is no break in service.
- Annual leave will be credited to each employee at the end of each month during which leave is earned. Annual leave may not be taken until it has been earned and credited to the employee's account.
- Annual leave shall not be advanced to employees.
- Annual leave earned by an employee shall be taken only upon prior approval of the employee's supervisor. An annual leave request of an emergency nature must be made by the employee and approved by the supervisor as soon as possible after the beginning of the workday or shift.
- Annual leave shall be charged in 15-minute increments.
- When annual leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head and the approval of the County Manager.
- Holidays or regularly scheduled days off which occur during a period of annual leave shall not be charged as annual leave.
- An employee separating from County service may not use annual leave after the last day of actual work.

Other Uses of Annual Leave:

- Annual leave may be used for medical appointments.
- Annual leave may be used in lieu of sick leave.
- Annual leave may be used for absences as a result of adverse weather conditions.
- Annual leave may be used for illnesses in the immediate family in lieu of sick leave.

Effect of Annual Leave on Service Dates

Annual leave with pay will have no effect on the service date; however, leave without pay will delay an employee's service date one month for each month he/she is on leave without pay for at least 30 days.

Maximum Accumulation - 225 hours

Annual leave may be accumulated without any applicable maximum until December 31st of each year. If the employee separates from service, payment for accumulated annual leave shall not exceed 225 hours, accumulated to the date of separation. On December 31st any employee having accrued annual leave in excess of 225 hours shall have this excess accumulated annual leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes only. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement subject to and in accordance with the provisions of the North Carolina Local Governmental Employees' Retirement System.

Employees are cautioned not to retain annual leave until late in the calendar year due to the necessity to keep County functions operating. Large numbers of employees cannot be granted annual leave at any one time. If an employee has leave accumulated during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving exception to the maximum accumulation and carry-forward allowance. Employees will not receive pay for annual leave above 225 hours.

Payment Upon Separation

An employee, who separates from County service and upon returning all County property issued to that employee, shall be paid for annual leave accumulated to the date of separation not to exceed a maximum of 225 hours. This is a lump sum payment. In cases where an employee fails to return County property, payment for annual leave may be withheld. Where an employee is involuntarily separated from employment under egregious circumstances, accumulated annual leave payment will be forfeited.

Employees must provide at least a two-week notice to the Supervisor and/or Department Head. Any employee failing to provide the notice will forfeit payment of accumulated leave. The notice requirement may be waived by the Department Head with the approval of the County Manager when deemed to be in the best interest of the County.

Any employee who separates in good standing and is reinstated within one (1) year may receive credit for previous service for the purpose of accruing annual leave.

The estate of an employee who dies while employed by the County shall be entitled to payment for all the accumulated annual leave, up to 225 hours.

Scheduling of Annual Leave

Annual leave shall be granted in accordance with this policy and as approved by the Department Head and/or his/her designee and at such time or times when such leave will least interfere with the efficient operation of the County business. Employees should advise Department Heads and/or Supervisors as early as possible with requests to use annual leave. Annual leave shall be properly documented in leave records.

Section 6.6 - Sick Leave

Sick leave with pay is not a right that an employee may demand but a privilege granted by the Board of County Commissioners for the benefit of an employee when appropriate.

Sick leave may be granted for the following:

1. The employee's own or an immediate family member's medical procedure, medical appointment, dental appointment, sickness, temporary disability, or bodily injury.
2. Quarantine or exposure to a contagious disease when continuing to work might jeopardize the health of others.

3. Sick leave may also be used to supplement Workers' Compensation Disability Leave during the seven-day waiting period prior to the beginning of Workers' Compensation benefits.
4. Sick leave may be used to attend funeral services.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the beginning of shift or workday, if possible, but no later than 30 minutes after the workday begins. In the event of onset of illness that precludes in-person notification of the supervisor, the employee is responsible for notifying their supervisor or Department Head by telephone. It will be unacceptable to leave a message. When both supervisor and Department Head are unavailable, another supervisor may be contacted. Notification by another employee, friend, or relative is not acceptable except in an emergency where the employee is physically unable to make the notification.

Sick leave shall be taken in units of 15-minute increments.

Annual leave may be used to supplement sick leave. When all leave has been exhausted, the granting of leave without pay is at the discretion of the Department Head with the approval of the County Manager.

Rate of Accumulation

Each regular status and probationary full-time employee, occupying a regular established position requiring a basic workweek shall earn sick leave on a monthly basis at the rate of 7.5 hours for each month worked or 90 hours each completed year of service. If the employee is in pay status for one-half or more of the regularly scheduled workdays and holidays in the month, sick leave is earned.

Maximum Accumulation of Sick Leave

Sick leave may be accumulated in unlimited amounts.

Sick Leave Transfer

Unused sick leave earned from another North Carolina Government agency by an employee who participates in the North Carolina Local Governmental Employees' Retirement System, the North Carolina Employees' and Teachers' Retirement System and any others approved by the North Carolina State Retirement System will be accepted and transferred to the County on the following conditions:

1. Verification of accumulated sick leave must be received in writing from the previous employer.
2. Verification must be received in hours.
3. The total number of hours will be accepted retroactively to the employee's record effective on the employee's hire date.

Verification of Sick Leave

The employee's Department Head may require a statement from the employee's physician indicating that the employee was unable to report for work so that there will be no abuse of sick leave privileges. Statements may also be required for absences more than three (3) consecutive

scheduled workdays. In that event, an employee may also be required to have his or her physician complete an FMLA leave request, as such leave will be designated by the County as FMLA leave, if appropriate. At the expiration of an authorized sick leave, the employee's Department Head may require a physician's statement confirming that the employee is able to resume his or her normal work activities.

Separation and Retirement Credit

All unused sick leave is lost upon separation of employment except when separation is due to retirement.

At the time of retirement, employees who are members of the North Carolina Local Government Employees' Retirement System are allowed service retirement credit for accrued unused sick leave. There is no maximum number of hours that may be credited.

At the time of separation, any sick leave owed the County shall be deducted from the employee's final compensation.

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

Section 6.7 - Funeral Leave

Halifax County recognizes the need for funeral leave when there is a death in the immediate family of an employee. Full-Time employees will be allowed up to a maximum of three consecutive days off work, with pay, as funeral leave. Halifax County will provide paid funeral leave for the following days: calendar day immediately preceding the funeral, calendar day of the funeral, and the calendar day immediately following the funeral. If the funeral leave days fall on a day that the employee is not scheduled to work then the employee will not be granted funeral leave for any time that is not their normal scheduled worktime. The immediate family shall be deemed to include the father, mother, wife, husband, son, daughter, brother, sister, grandmother, grandfather, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, brother-in-law, grandson, granddaughter, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother. Funeral leave does not apply to an employee when on paid holiday, leave of absence, FMLA, or non-scheduled workday. The department director or his/her designee have the authority to request documentation to grant the funeral leave.

Section 6.8 - Family and Medical Leave

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

The National Defense Authorization Act of 2008 (NDAA) amended the Family and Medical Leave Act, effective January 16, 2009, to allow the addition of military family leave entitlements whereby eligible employees may take up to twelve weeks of job-protected leave in the applicable twelve-month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. The NDAA also amended the Family Medical Leave Act to allow eligible employees to take up to 26 weeks of job-protected leave in a “single twelve-month period” to care for a covered service member with a serious injury or illness. Other unclear areas of the Family and Medical Leave Act were also amended for providing clarity to the policy and improving communications between employees, employers, and medical providers.

For additional information concerning the Family and Medical Leave Act, visit www.dol.gov/agencies/whd/fmla Employees may also consult the Department Head, Supervisor and/or the County Human Resources Management Department.

Section 6.9 - Leave of Absence

The Department Head, with the approval of the County Manager, may grant a County employee an extended leave of absence period not to exceed sixty days for reasons of personal or family concerns, such as a non-qualifying FMLA event.

When a period of leave of absence ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. The employee shall be guaranteed a position of the same classification, seniority and pay.

While on an approved leave of absence, an employee shall use annual, sick, compensatory/excess leave prior to going on leave-without-pay. Requests for leave without pay shall be submitted to the Department Head, in writing, as far in advance as possible. Factors to be considered include the necessity, duration of leave, workload and other factors considered in the best interest of the County.

Annual and sick leave credits will not accrue during leave without pay. Individual medical insurance provided for the employee by the employer during regular pay status will not be provided as employer expense benefits during leave without pay unless the employee is on the payroll a minimum of one-half the working days during the calendar month or is within the twelve weeks of covered leave under FMLA. The employee, however, may continue to be eligible for any benefits under the County’s group plans, provided that the employee pays for the complete premium by payroll deadlines. Failure to do so, will forfeit the employee’s eligibility.

If a holiday falls during the leave-without-pay period, an employee does not receive the holiday pay. Any employee that is on leave without pay will not accrue annual or sick leave and will not receive credit in the North Carolina Local Government Employees’ Retirement System for that time.

Failure to report for duty at the expiration of the leave of absence or leave-without-pay period, unless an extension has been approved, shall be considered a resignation.

All dates of personnel status changes and longevity implementation will be revised to compensate for the period each employee is on a leave-without- pay period.

Section 6.10 - Military Leave

A military leave shall be defined as a leave to fulfill a required military obligation. The provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) govern military leaves of absence. The purposes of USERRA are two-fold: to allow Americans to serve in the United States armed forces with minimum disruption to their civilian careers and to prohibit discrimination against those who have served in the uniformed services. Leave shall be granted to employees of Halifax County for certain periods of service in the uniformed services. No employee of the County shall 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.

For additional information concerning Military Leave, visit www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/military-leave/ Employees may also consult the Department Head, Supervisor, and/or the County Human Resources Management Department.

Section 6.11 - Civil Leave

Each employee has a civic responsibility to serve as a juror when called upon to do so. Halifax County encourages its employees to aid the community by participating. A County employee called for jury duty or as a court witness for the federal or state government is entitled to leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty. If an employee is called to jury duty, the supervisor must be notified immediately so that coverage may be provided during the employee's absence. While an employee is on leave for such jury duty or court service, his or her benefits and leave shall accrue as though the employee were actively performing employment duties.

When a County employee under subpoena in a case involving private litigation, or litigation by some party other than the federal government, state or a political subdivision thereof is called to testify in some capacity other than the employee's official capacity, the time absent by reason thereof shall be taken as annual leave or as leave without pay.

Section 6.12 - Parental School Leave

In accordance with North Carolina General Statute 95-28.3, Halifax County employees who are parents of a school aged child, guardians of a school aged child or otherwise standing "in loco parentis" (in place of the parent) for a school aged child shall be allowed to use approved annual and/or compensatory/excessive leave up to four hours annually to attend activities at the child's school. If no annual leave is available, time away shall be considered leave without pay. Leave under this section is subject to the following conditions:

- The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head;
- The employee will provide advance notice of at least forty-eight (48) hours; and
- If requested, the employee will provide written or other appropriate verification concerning the basis for the leave request. The definition of school includes public and private schools, church schools, and preschools.

Section 6.13 - Shared Leave

The Shared Leave Program is designed to provide employees the opportunity to assist and receive assistance from other employees during periods of prolonged absences from work due to personal catastrophic medical conditions by donation of leave. The program is not designed to apply to an employee's incidental, normal, short-term medical conditions. A prolonged medical condition is generally one that is expected to require an employee's absence from work for a period of at least fourteen (14) consecutive days. This period is intended to serve as a general guideline for shared leave, rather than an absolute requirement. If an employee has had prior random absences from work related to the same condition, or for another condition requiring prolonged absence from work within the last twelve months, an exception to the fourteen-day period may be made.

Requirements for Receiving Shared Leave

- Medical information is maintained in a confidential manner. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition needs to be made.
- Employee must be in a full-time regular position with Halifax County.
- Employee must have completed one year of full-time service with Halifax County.
- The request for shared leave must meet the qualifications of a certifiable FMLA event. The employee must provide written statements from the medical provider documenting information concerning the personal illness/injury.
- The employee must have exhausted all accrued paid leave.
- An employee may receive a maximum of 150 hours of shared leave during the entire lifetime period of his or her employment.
- All unused shared leave will be returned to the shared leave bank.
- The Department Head shall review the merits of the request; provide a recommendation using appropriate forms and forward to the County Manager or Human Resources Management Director for approval. The Human Resources Management Director will consult with the County Manager, as necessary and will notify the employee and the employee's Department Head of the action to be initiated.

Requirements for Donating to the Shared Leave Pool

- Employee must be in a full-time regular position with Halifax County.
- Employee must have completed one year of full-time service with Halifax County.
- Employee must donate whole hour amounts. No one-half or one-quarter amounts are allowed.
- Employee must donate less than 75 total hours for the current calendar year and the donation will not exceed the 75-hour calendar year limit of which the employee is eligible.

- If donating sick leave, employee's leave balance will not fall below 75 hours.
- If donating annual leave, employee's leave balance will not fall below 75 hours.
- Employee understands the leave balance becomes part of the shared leave bank and cannot be retracted once approved.
- Upon completion of required forms, the employee will obtain a Supervisor/Department Head approval and forward the form to the County Human Resources Management Department for timely processing.

ARTICLE 7

PAY AND BENEFITS

Section 7.1 - Pay Periods

Halifax County employees are paid within one of two pay cycles. Most employees shall be paid on the 25th of each month for services. If the payday falls on a Saturday, Sunday, or County-observed Holiday, employees will be paid on the last workday before the Saturday, Sunday, or Holiday. Law Enforcement Officers and other employees who work shifts are paid on a 28-day cycle.

Section 7.2 - Benefits Program

The benefits program is designed to provide financial protection for employees and their families and thereby enhance the County's ability to attract qualified employees who will provide positive and effective work performances.

The County will provide individual health and dental insurance to all regular full-time and eligible retired employees. The County also provides retirement benefits as determined by the North Carolina Local Government Employees' Retirement System and Supplemental Retirement Income for Law Enforcement Officers.

Section 7.3 - Direct Deposit

Direct deposit of pay is required of all County employees.

ARTICLE 8

SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

The separation, disciplinary, and reinstatement policies are implemented to provide for County employees and management a fair, clear, and useful tool for addressing separation of employment. Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Head to be unacceptable, disciplinary action may be initiated in various methods, depending on the nature of the offense. All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may voluntarily separate from County service by either resignation or retirement. Employees may be involuntarily separated from County service by reduction in force, disability, or dismissal. Some policies may not be applicable to the Board of Elections, Sheriff's Office, Health Department, Social Services Department, or Register of Deeds.

Section 8.1 - Resignation

An employee may resign from employment with Halifax County by submitting a letter of resignation with a minimum of a two-week notice. A letter of resignation is required and shall be submitted to both the immediate supervisor and the Department Head. Upon concurrence with the Department Head, the County Manager may waive the notice requirement in cases where immediate separation is in the best interest of the County.

An employee who has resigned is considered not in good standing when:

- (1) An employee fails to submit a letter of resignation at least two weeks prior to the effective date of resignation;
- (2) An employee fails to report to work one (1) working day following a leave of absence without pay;
- (3) An employee is absent from work three (3) consecutively scheduled working days without authorized leave;
- (4) An employee resigns to avoid disciplinary action;
- (5) A documented record of unacceptable personal conduct or unsatisfactory job performance.

An employee who resigns from County employment "Not in Good Standing" is normally ineligible for future employment with the County.

Executive staff including such as Department Heads, should submit a letter of resignation with at least two weeks' notice; however, when possible, a 30-day notice is preferred. Executive staff including Department Heads should submit a letter of resignation directly to the County Manager, with exception of the Social Services Director and Health Director who shall submit a letter of resignation to their respective governing boards with a copy to the County Manager.

Section 8.2 - Voluntary Resignation without Notice

An employee voluntarily terminates employment with Halifax County by failing to report for work without giving written or verbal notice to the supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the Department Head or supervisor has taken reasonable efforts, such as calling the employee at the last known telephone number, to assess if the employee intends to return to work. Sick leave will only be approved during the final two weeks of a notice with a physician's certification verifying illness.

Such a separation is considered voluntary and carries no grievance or appeal rights granted to the employee.

Section 8.3 - Retirement

An employee may retire when the employee is eligible for retirement benefits. Employees shall give a minimum of two weeks' notice of retirement but should inform the Department Head as soon as the decision is made to retire, up to six months in advance. Department Heads shall give a minimum of 30 days' notice of retirement with up to six months in advance. The Local Government Employees' Retirement Handbook addresses all rules, policies, and procedures for the retirement, including eligibility.

Section 8.4 - Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. The employee or the County may initiate action. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head and in some cases, in coordination with the County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice. The County will address reasonable accommodations and other avenues of compliance with the Americans with Disabilities Act.

Section 8.5 - The Disciplinary Process

Employees of the Department of Social Services and the Health Department are directly subject to the sections of the State Human Resources Act.

By agreement between the Halifax County Board of Elections and the Board of County Commissioners, employees of the Halifax County Board of Elections are subject to discipline under the terms of that Agreement not inconsistent with Chapter 163A, Subchapter III, Article 16, Part 2 of the North Carolina General Statutes.

The Sheriff's Office and Register of Deeds and their respective employees are not subject to the above guidelines but are subject to the North Carolina General Statutes which provide the Sheriff

and Register of Deeds the right to discharge an employee at will without any due process. Therefore, both of these elected officials have the authority to determine the application of the steps within the outlined policy, if at all.

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended, or dismissed by the appointing authority. Disciplinary actions shall be initiated by the Department Head and implemented with the concurrence of the County Manager. The degree and type of action taken shall be based upon the sound and reasonable judgment of the appointing authority in accordance with the provisions of this policy and only for just cause. When just cause exists, the disciplinary actions provided for under this Section are:

- Written disciplinary action
- Disciplinary Suspension Without Pay
- Disciplinary Demotion
- Dismissal

There are two bases for the discipline or dismissal of employees under the statutory standard of “just cause” as set out in North Carolina General Statute 126-35. These two bases are:

- Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
- Discipline or dismissal imposed on the basis of unacceptable personal conduct.

Either unsatisfactory job performance, grossly inefficient job performance, or unacceptable personal conduct constitute just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

Unsatisfactory Job Performance:

Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant position description, work plan, or as directed by the management of the work unit or agency.

Employees that fail to meet the standards of the position description and fail to satisfactorily perform the job at an acceptable level are subject to the Disciplinary Process if a series of work performance conferences have been conducted and failed to obtain desired results. The following steps will occur when an employee demonstrates Unsatisfactory Job Performance:

1. **Written Disciplinary Action** – an employee who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance as directed, may receive a written disciplinary action. A disciplinary conference will be conducted with at least the supervisor to inform the employee of the following:
 - Specific deficiencies that are the basis for the written disciplinary action including specific examples that constitute evidence. Review reasonableness of standards and the impact of employee’s failure.

- Specific improvements that must be made to correct the unsatisfactory performance.
 - The time allowed to make said improvements.
 - Consequences of failure to meet the corrective action plan or any other performance/personal conduct requirements.
 - A brief summary referencing any previous disciplinary actions.
- The supervisor will also inform the employee that all points covered in the conference will be forwarded to them in a formal written disciplinary action or the supervisor may choose to have the written disciplinary action prepared and provide to the employee during the conference. All written disciplinary actions become part of the employee's personnel file.

2. **Final Written Disciplinary Action** – failure of an employee to respond to a written disciplinary action and/or the development of further job performance related issues may result in a final written disciplinary action. The supervisor should work with the Department Head and a final written disciplinary action can only be issued with Department Head approval. A final written disciplinary action is the last step prior to dismissal. A final written disciplinary action shall proceed as follows:

- A final written disciplinary action is prepared by both the Department Head and supervisor in which specific reasons are included in the document.
- A disciplinary conference will be conducted with the employee; at this conference, the specific reasons for the action, the necessary improvements and the time allowed to make improvements should be discussed.
- The final written disciplinary action will then be presented to the employee in writing. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal.

During the period after a final written disciplinary action, management may choose to counsel with the employee concerning his/her employment status before a decision is made to dismiss. Such counseling shall involve discussion of the necessity for the employee's commitment to improve performance. As a part of this counseling, management may request the employee take up to a day's leave with pay to consider whether the employee wishes to continue his/her employment with the Department. This time away shall not be charged to the employee's annual or sick leave. It is not required that successive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.

For employees subject to the provisions of the State Human Resources Act and who have received a written disciplinary action, the document shall be removed from the employee's personnel file after a period of 18 months. For General County employees, the documentation may remain in the personnel record indefinitely. Written disciplinary actions are not grievable.

3. **Dismissal** – an employee of the County may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before dismissal shall occur, the following steps must be taken:

- The supervisor shall discuss with the Department Head the recommendations to dismiss for unsatisfactory job performance. Evidence must be shown that the employee is failing to perform any or all aspects of their job to an acceptable standard and show all previous attempts, including the disciplinary process, to work with the employee to improve job performance.
- When a decision is made, a pre-disciplinary conference shall be scheduled with the employee in writing. A pre-disciplinary conference shall be conducted with the supervisor and the Department Head. The purpose of the pre-disciplinary conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision. Advanced written warning will be provided to the employee at least one working day prior to the conference. The management shall inform the employee that this will be a pre-disciplinary conference, and provide the time, date, and location of the conference; give specific reasons why dismissal is being considered and a summary of the information supporting that recommendation; indicate that action is being considered but not yet decided. The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or arguments to support his/her position. Every effort shall be set forth to ensure that the employee has full opportunity to present information on his/her behalf. No attorney for either side will be allowed in a pre-disciplinary conference. Management may have present, a second representative and, if necessary, security personnel.
- Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee for unsatisfactory job performance, a letter of dismissal shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any appeal rights set for the employee. Management shall determine the effective date for dismissal for unsatisfactory job performance. If the decision is to dismiss, the decision shall not be communicated to the employee prior to the next business day, but before the end of the second business day.

Grossly Inefficient Job Performance

Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the work unit or agency; and the act or failure to act causes or results in:

- Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,

- The loss of or damage to County property or funds that result in a serious adverse impact on the County and/or work unit.

In the case of Grossly Inefficient Job Performance, the employee may be immediately dismissed following a pre-disciplinary conference if the actions warrant, or the employee may be suspended, demoted, or have the disciplinary process under unsatisfactory job performance implemented. The basis for the degree of action taken in a grossly inefficient job performance incident is measured on the specific incident and its consequence.

Unacceptable Personal Conduct – an act that is:

- Conduct for which no reasonable person should expect prior warning; or
- Job-related conduct which constitutes a violation of State or Federal Law; or
- Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County; or
- The willful violation of known or written work rules; or
- Conduct unbecoming to a County employee that is detrimental to County service; or
- The abuse of a client(s), patient(s), student(s), co-worker(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility; or
- Falsification of a State or County application or in other employment documentation; or
- Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

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

Disciplinary demotions, suspensions, or dismissals for personal conduct require a written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal.

Prior to a dismissal of a general County employee with regular status or an employee subject to the State Human Resources Act with career status on the basis of unacceptable personal conduct; there shall be a pre-disciplinary conference between the employee and the person recommending dismissal and a second management representative.

Other Types of Disciplinary Action

Suspension – Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following provisions shall control its use:

Disciplinary Suspension:

An employee may be suspended without pay for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or

without prior warning or disciplinary action for any form of unacceptable personal conduct or grossly inefficient job performance.

A disciplinary suspension without pay for a general County employee and employees subject to the provisions of the State Human Resources Act and overtime compensation provisions of the Fair Labor Standards Act (FLSA) can be suspended without pay for any amount of time without any wage and hour implications. The length of a disciplinary suspension without pay for any employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work day. For general County employees, the period of a disciplinary suspension without pay for the employee will typically be no more than two calendar weeks. In extenuating circumstances, the County Manager may provide approval authority for the period to be extended.

Before an employee is placed on disciplinary suspension without pay, a supervisor and/or Department Head must:

- Schedule and conduct a pre-disciplinary conference. The supervisor and/or Department Head must give advance oral or written notice of the conference to the employee. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
- Give the employee a statement in writing telling the acts or failure to act that are the reason for the suspension and telling the employee of their appeal rights, if applicable.

Investigation With Pay:

Investigation with pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. Also, management may elect to use investigation with pay in order to avoid undue disruption of work or to protect the safety of persons or property. For employees subject to the provisions of the State Human Resources Act, an investigatory suspension with pay shall not exceed 30 calendar days. However, a Department Head may, in the exercise of his/her discretions, extend the period of investigation with pay, with the concurrence of the County Manager. The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by the department by the end of the 30-day period and no further extension has been imposed, the department must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. For general County employees, the period of investigation with pay may not exceed two calendar weeks. In extenuating circumstances, the Department Head may request an extension from the County Manager.

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

Placement on investigation with pay does not constitute a disciplinary action and is not subject to appeal.

The Department Head shall notify the employee, in writing, no later than the second scheduled workday after the beginning of the placement, of the reasons of the investigatory placement.

Disciplinary Demotion:

An employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

For demotions based on job performance, an employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.

For demotion regarding personal conduct, an employee may be demoted for unacceptable conduct without any prior warning. Cause for demotion on the basis of personal conduct does not have to be as serious as cause for dismissal.

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee. The written notice should address how and to what extent the demotion will affect the employee's salary and pay grade, and it is recommended that, if appropriate, a revised job description outlining the employee's revised duties and responsibilities be attached.

Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower classification with or without a loss in pay or the employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. In no event shall an employee's pay be lowered below step one of his/her current pay grade unless the employee is demoted to a lower classification. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-disciplinary conference. Advance oral or written notice of the conference is required.

Section 8.6 - Separation Due to Unavailability

An employee may be separated on the basis of unavailability for work when the employee becomes or remains unavailable for work after all applicable leave has been exhausted and management does not grant a leave without pay or does not extend a leave without pay period for reasons deemed sufficient by the Department and the County. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and not a disciplinary dismissal. It may be appealed based on the appeal rights granted to the employee in the position as defined in this policy. Probationary and trainee employees have no appeal rights.

Unavailability is defined as the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and/ or the employee and the Department cannot reach agreement on a return-to-work arrangement that meets both the operation needs of the Department and the employee's

health/medical needs. Applicable leave credits is defined as sick/annual/compensatory/shared/Family Medical Leave the employee exhausted prior to going on leave without pay.

Prior to separation under this policy, the Department Head and supervisor shall meet with or at least notify the employee in writing of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are not possible, the Department Head must notify the employee of that fact and the proposed date of separation.

The Department Head must give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's grievance or appeal rights granted to them by their position. Upon separation of an employee who is unavailable after all leave credits have been exhausted, the burden of proof will be on management to substantiate the employee's unavailability for work.

Section 8.7 - Reduction in Force for General County Employees

Periodically economic constraints or changing service priorities necessitate organizational restructuring, program modification or elimination and /or privatization of existing programs or services. Such changes may result in the need for the County to reduce the size of its workforce. The County is committed to accomplishing these reductions-in-force without lay-offs if at all possible and, if not, to aid the transition of employees affected by a reduction-in-force into other employment outside the organization.

The County shall make every reasonable effort to retain the employee through transfer, promotion, or demotion and shall further attempt, to the extent possible, to make necessary workforce reductions through normal attrition.

The authority and responsibility to initiate and implement a reduction-in-force, including layoff of employees, shall reside with the County Manager with the concurrence of the Board of County Commissioners. For those County employees subject to the provisions of the State Human Resources Act, the authority and responsibility to initiate and implement a reduction-in-force including layoff of those employees shall reside with that respective agency director, with the concurrence of the appropriate governing Board.

For those County employees who are appointed by the Sheriff, the Register of Deeds and the Halifax County Board of Elections, the authority and responsibility to initiate and implement a reduction-in-force policy including layoff of those employees shall reside with the Sheriff, Register of Deeds and the Board of Elections respectively, and this reduction-in-force policy shall not apply to their employees.

The overall decision to initiate and implement a reduction-in-force, including an employee layoff, is a decision of the County Manager and the Board of County Commissioners. However, for those County employees subject to the provisions of the State Human Resources Act, the decision to initiate and implement a reduction-in-force including an employee layoff is a

decision of that respective agency director with the concurrence of the appropriate governing board. The reduction-in-force can also be directed by the Halifax County Manager.

Reductions involving Employee Layoffs: when it is determined that a reduction-in-force requires employee layoffs, retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. Such reductions shall be based on the following considerations:

1. Disciplinary actions and other documentation as presented in the employee personnel file.
2. Length of Service will be determined based upon the service worked with Halifax County.
3. The final decision regarding which employees will be based on the recommendation of the Department Head, subject to the final approval of the County Manager.
4. Employees separated from employment shall be given a minimum of thirty (30) days' notice.
5. Employees do not have the right of appeal.

Section 8.8 - Reduction in Force Policy for Employees Subject to the State Human Resources Act

Employees of the Department of Social Services and the Health Department are governed by the Reduction-in-Force Policies within their respective agencies. For assistance, they may consult the Department Head and/or their supervisor.

Section 8.9 - Credentials

By statute and rules, some duties assigned to positions may be performed only by persons who are duly licensed, registered or certified as required by the relevant provisions. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by Halifax County and/or by the State Human Resources Commission as well as documented in the position description for the position.

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with an agency, disciplinary action shall be administered as follows:

1. If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure or certification information that was a requirement for the position, the employee must be dismissed.
2. In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken but the severity of the disciplinary action shall be at the discretion of the Department Head.
3. When credentials or work history falsification is discovered before employment with an agency, the applicant shall be disqualified from consideration for the position in question.

Section 8.10 - Death

Payment for unpaid salary, unused annual leave (not to exceed 225 hours), and travel must be made, upon establishment of a valid claim, to the deceased employee's estate. In the absence of an administrator, payment must be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment shall not be made for unused sick leave.

Section 8.11 - Separation Procedures

At the time an employee is separated from Halifax County service, either voluntary or involuntary, the Department Head shall provide a personnel action form to the County Human Resources Management Office along with information concerning leave balances and the resignation letter. Employees will be expected to participate in an exit interview with the Human Resources Management Director or designee. All County property shall be returned to the County at the time of separation. An employee's failure to return any County property or equipment will result in a salary reduction.

Section 8.12 - Exit Interviews

Prior to leaving County service, every employee is encouraged to contact the Human Resources Management Director or designee to participate in a confidential interview summarizing the employment experience with Halifax County. The information gathered during the exit interview will be used to determine trends in Halifax County employment. The employee will also receive valuable information concerning benefit information.

ARTICLE 9

GRIEVANCE PROCEDURES AND APPEAL POLICIES

Halifax County has established a formal process by which general County employees who have regular status and employees subject to the State Human Resources Act who have obtained career status may grieve adverse actions. The process for which an employee will take depends on the situation and whether the employee is subject to the provisions of the State Human Resources Act.

Section 9.1 - Definitions

- (a) Adverse Action- a personnel action that involves one of the following situations: suspension without pay; disciplinary demotion; dismissal or when an employee perceives that he/she has been treated unfairly in the application of the Equal Employment Opportunity policy or other discriminatory actions.
- (b) Non - Adverse Actions – issues relating to working conditions, policies, and/practices not defined as adverse actions. Employees experiencing non-adverse concerns typically utilize the informal resolution of complaints policy.

Section 9.2 - Informal Resolution of Complaints Policy

This section is for all County employees, regardless of State Human Resources Act coverage. This policy sets forth the procedures in which a County employee can resolve a non-adverse action issue. This policy recognizes that employees may have issues relating to work conditions, policies, or practices that require attention and resolution when possible. This procedure can be utilized when all efforts of the employee have failed to address the problem. These procedures do not assure a change in a situation but do provide formal steps to examine the issues brought forth, and if feasible and reasonable, make changes to resolve the problems.

The employee is first and foremost encouraged to resolve any such issues by working with coworkers and management. If unable to reach an adequate solution, the following problem-resolution procedure should occur.

- (a) Request a meeting with the immediate supervisor to present the issue of concern.
- (b) The supervisor shall schedule a meeting with the employee within three working days.
- (c) At the meeting, the supervisor shall review the issue with the employee and collect all information and data concerning the situation.
- (d) The supervisor should review the issues from the meeting and reach a conclusion regarding the issue. The supervisor should make recommendations regarding the issue in writing to the employee within seven (7) days of the meeting. The letter should

contain a summary of the issues and recommended actions that can be taken to resolve the issue, or if no action is recommended, reasons why.

- (e) If the employee is unsatisfied with the immediate supervisor's response, he or she may request a meeting with the Department Head.
- (f) At this meeting, the employee shall again present the issue being grieved, reasons for the grievance, and recommended solutions from the employee.
- (g) The Department Head shall review all matters regarding the issue and provide a written response to the employee within seven (7) days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the complaint procedures, and the employee shall accept the Department Head's recommendations regarding the resolution, if any, to the issue.

If the issue involves other employees of the agency, the management shall include those employees in the review of the situation and should consider their input and feedback in the final decision process.

Section 9.3 - Appeal of Adverse Actions for Regular General County Employees

This section provides the appeal procedure for general County employees not subject to the State Human Resources Act regarding adverse actions taken against an employee. Employees of the Sheriff's Office and Register of Deeds are not covered by this policy.

Employees of the Halifax County Board of Elections are covered by this policy to the extent that it is consistent with the agreement between the Halifax County Board of Elections and the Board of County Commissioners concerning personnel administration for the Board of Elections employees.

A County employee who has an adverse action taken against them may file for a formal appeal of the adverse action. The policy provides for specified timeframes in which the appeal must be requested. Failure of the employee to request the appeal procedure in a timely fashion will result in the loss of all appeal rights granted under this policy.

There are two steps a general County employee must take to have an appeal on an adverse action addressed:

Step 1: The employee with an adverse action shall request an appeal in writing. The request must be submitted to the Department Head and must be received within 15 calendar days of the occurrence of the adverse action. The Department Head will schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in writing to the Department Head for consideration. The Department Head shall render a decision in writing within 5 business days to the employee.

Step 2: If the employee is not satisfied with the decision of the Department Head, the employee may request a second appeal to the County Manager. The employee shall submit a formal appeal

request in writing to the Halifax County Manager within 15 calendar days of the date of the letter of the Department Head decision notification. The County Manager will schedule a formal hearing and inform the employee in writing of the date and time of this hearing. The employee, at this hearing, will be able to provide evidence on his/her behalf to the County Manager regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in writing to the County Manager. The County Manager shall render a decision regarding the appeal in writing within 5 business days to the employee.

Key Points Regarding this Policy:

- All timeframes must be met. Failure to meet timeframes will result in loss of appeal rights under this policy.
- All requests for appeals must be in writing.
- Employees in probationary or temporary employment situations do not have rights under this policy.
- Each adverse action shall have a copy of the appeals process attached, as well as each written decision in every step of the appeal process.
- Only employees in a regular status have appeal rights under this policy.

Employees of the Board of Elections have only those rights that are enumerated in the agreement between the Board of Elections and the Board of County Commissioners related to personnel administration for Board of Election Employees.

It is important to note that employees of the Sheriff's Office and Register of Deeds do not have appeal rights under this policy. Employees of these departments do have a right of protection under federal workplace laws.

Section 9.4 - Appeal of Adverse Actions for Career Status Employees Subject to State Human Resources Act

Employees of the Department of Social Services and Health Department are subject to the State Human Resources Act and have appeal rights granted under the Act. Employees subject to the State Human Resources Act have specific procedures which they must follow to formally appeal an adverse action.

ARTICLE 10

PERSONNEL RECORDS

Section 10.1 - Personnel Records Maintenance

The Human Resources Management Director will maintain personnel records necessary for the proper administration of the personnel system. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes and legitimate personnel administration needs. Notwithstanding the provisions of G.S. 132-6 and the Public Records Law, House Bill 961, or any other general law or local act concerning access to public records, personnel files of employees, former employees or applicants for employment maintained by a County are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the County with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the County.

Section 10.2 - Information Open to the Public

Pursuant to state law, with respect to each County employee is a matter of public record:

- Name of the employee
- Age of employee
- Date of original employment or appointment to County service
- 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
- Current position and title
- Current Salary
- The office to which the employee is currently assigned
- Date and amount of each increase or decrease in salary with the County
- Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the County
- The date and general description of the reasons for each promotion with the County
- The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County
- For dismissals due to disciplinary reasons, 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

Under state law, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Refusal to comply with public records request may be challenged by the requesting party. If the challenging party prevails,

party can be awarded attorney fees. The test to determine if attorney fees are awarded is whether the County was substantially justified in denying access to the record. Attorney fees can be charged directly to any public employee or public official individually if the court finds the refusal to provide public records was knowingly and intentionally committed in violation of the law.

As required by GS 153A-98, any employee may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions.

When public information is requested about an employee, the employee will be notified that the information has been provided and given any information available about the requester. If public information is requested for a department the Department Head will be notified and they shall immediately notify all affected employees.

The wording for all promotions, demotions, transfers, suspensions, separations, and dismissals occurring on or after December 1, 2021, can be challenged by filing an appeal under the Halifax County's appeals process for a final decision being entered in that appeals process.

Section 10.3 - Confidential Information

Under state law, all information contained in a County employee's personnel file, other than the information made public by Section 2 of this Article, is confidential and shall be open to inspection only in the following instances:

- The employee or his duly authorized agent may examine all portions of his personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- A licensed physician designated in writing by the employee may examine the employee's medical record.
- A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the

purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- The County Manager, with the concurrence of the Board of County Commissioners, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the County Manager or Board of County Commissioners shall determine in writing that the release is essential to maintaining public confidence in the administration of County services or to maintaining the level and quality of County services. This written determination shall be retained in the Office of the Manager or the Clerk to the Board, as a record available for public inspection and shall become part of the employee's personnel file.

Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

- Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- Information that might identify an undercover law enforcement officer or a law enforcement informer.
- Notes, preliminary drafts and internal communications concerning any employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

The Board of County Commissioners may permit access, subject limitations they may impose, to selected personnel files by a professional representative of a training, research, or teaching purposes. This certification shall be retained by the County as long as each personnel file so examined is retained.

Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public-school employees.

Section 10.4 - Employee Objections to Material in File

An employee who objects to material in his or her personnel file may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. Pursuant to G.S. 153A-98(d), if an employee objects to material in his or her file on the grounds that it is inaccurate or misleading, the employee may place in the file a statement relating to the material, including such documents or exhibits as the employee deems necessary to support his or her statement; provided, the record custodian shall have the discretion to limit the length and volume of the statement submitted in relation to the nature of the material objected to. If a statement relating to the material is placed in the file, the records custodian shall cause a notation to be made upon or attached to the material objected to indicating that the employee has filed a statement relating to the material. If an employee who does not work for an elected County official seeks to have material removed from his or her file on the grounds that it is inaccurate or misleading, the records custodian shall make a recommendation to the County Manager regarding the request for removal. Upon receipt of the recommendation, the County Manager shall approve or deny the request. The decision of the County Manager shall be final. If an employee of an elected official seeks to have material removed from his or her file on the grounds that it is inaccurate or misleading, the records custodian shall make a recommendation to the elected official regarding the request for removal. Upon receipt of the recommendation, the elected official shall approve or deny the request. The decision of the elected official shall be final. Material that is removed from a personnel file under this procedure shall be destroyed.

Section 10.5 - Penalty for Permitting Access or Destruction of a Confidential File by Unauthorized Person

Under state law, a public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by law, is guilty of a Class 3 misdemeanor.

Under state law, any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor.

Under state law, no public official may destroy, sell, loan or otherwise dispose of any public record without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually maintained; or whoever alters, defaces, mutilates or destroys it will be guilty of a Class 3 misdemeanor.

ARTICLE 11

AMENDMENTS TO PERSONNEL POLICY

Section 11.1 - Authority Delegated to the County Manger

Pursuant to G. S. 153A-82(a)(8) the County Manager, after conferring with the HRM Director and the County Attorney, is authorized to make the following amendments to this Personnel Policy:

- A. Minor amendments to correct clerical or grammatical errors, to clarify the intent and purposes of the policy or to reorganize the Article and Section numbers of the policy, so long as such amendments do not constitute a substantive change in the policy provisions being amended.
- B. Amendments to comply with changes in state or federal law, whether substantive or not, provided such changes do not pertain to or impact the schedule of pay and other compensation, retirement and health insurance benefits, paid leave, observed holidays or the job classification plan.

Section 11.2 - Amendments by the Board of Commissioners

All other amendments to this Personnel Policy are subject to action by the Board of Commissioners by resolution duly adopted at a lawfully called meeting of the Board.